HOUSE OF REPRESENTATIVES

WEDNESDAY, *February 27, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Out of the mysterious silences of our breasts, amid the varying currents of the world do we seek Thee, our most gracious Heavenly Father. O Thou who art the inspiration of all that is good and the glory of all that is beautiful, send forth Thy light, reminding us of our place and calling. Do Thou open the windows of our minds that we may receive the spirit and the love of truth, thus turning our weakness into strength. Undergird and uphold our firm belief in the ultimate triumph of the good, for nothing else in equal measure has ever taught us so much how to live. In every situation inspire us to think truly, to speak truly, and to live truly; then our daily lives shall be open books of great and noble creeds. Our prayer is made in the holy name of Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 12351. An act amending section 72 of the Judicial Code, as amended (U. S. C., title 28, sec. 145), by changing the boundaries of the divisions of the southern district of California and terms of court for each division; and

H. R. 13857. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 7028. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Wyoming, New Mexico, and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers, and all other streams in which such States are jointly interested;

H. R. 11722. An act to establish a national military park at the battle field of Monocacy, Md.;

H. R. 12793. An act for the relief of Alonzo Durward Allen;

H. R. 13593. An act granting the consent of Congress to the villages of East Dundee and West Dundee, State of Illinois, to construct, maintain, and operate a foot bridge across the Fox River between East Dundee and West Dundee, Ill.; and

H. R. 16878. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 264. An act for the relief of Margaret I. Varnum;

S. 2986. An act for the relief of Francis J. McDonald;

S. 3623. An act to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920;

S. 3940. An act granting certain public lands to the State of New Mexico for the use and benefit of the Eastern New Mexico Normal School, and for other purposes;

S. 4274. An act for the relief of James Evans;

S. 5030. An act for the relief of Eva Broderick;

S. 5045. An act authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt.;

S. 5091. An act for the relief of Edward C. Dunlap;

S. 5245. An act authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes;

S. 5307. An act equalizing annual leave of employees of the Department of Agriculture stationed outside the continental limits of the United States;

S. 5346. An act to provide for the payment of benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes;

S. 5379. An act to authorize the disposition of certain public lands in the State of Nevada;

S. 5503. An act to amend section 22 of the act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain maritime employments, and for other purposes," approved March 4, 1927, as amended;

S. 5512. An act to provide recognition for meritorious service by members of the Police and Fire Departments of the District of Columbia;

S. 5598. An act authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes;

S. 5676. An act to amend an act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes," approved May 17, 1928;

S. 5706. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

S. 5717. An act for the relief of the State of Nevada;

S. 5758. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

S. 5787. An act for the relief of the estate of C. C. Spiller, deceased;

S. 5847. An act authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.;

S. J. Res. 185. Joint resolution to grant authority for the erection of a permanent building at the headquarters of the American National Red Cross, Washington, D. C.; and

S. J. Res. 202. Joint resolution for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto, therein, or through of livestock, including poultry, from a State or Territory or portion thereof where a livestock or poultry disease is found to exist which is not covered by regulatory action of the Department of Agriculture, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1577) entitled "An act to add certain lands to the Boise National Forest, Idaho," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCNARY, Mr. CAPPER, and Mr. SMITH to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills and a joint resolution of the following titles:

S. 1338. An act for the relief of James E. Jenkins;

S. 1727. An act to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended;

S. 3001. An act to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes;

S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928;

S. 5453. An act authorizing the payment of Government life insurance to Etta Pearce Fulper; and

S. J. Res. 201. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 4858) entitled "An act for the relief of T. L. Young and C. T. Cole," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAPPER, Mr. NYE, and Mr. STEPHENS to be the conferees on the part of the Senate.

OSAGE INDIANS OF OKLAHOMA

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma and for

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other purposes," and ask unanimous consent to agree to the Senate amendments.

The Clerk read the title to the bill.

Mr. SPROUL of Kansas. Reserving the right to object, what are the amendments?

Mr. LEAVITT. They have been in the RECORD for two or three days.

Mr. SPROUL of Kansas. Then I object if I can not get the information.

Mr. LEAVITT. Mr. Speaker, I move to agree to the Senate amendments.

The SPEAKER. The gentleman from Montana moves to take from the Speaker's table the bill S. 2360 and agree to the Senate amendments.

The motion was agreed to.

ADDITIONAL JUDGES FOR EASTERN DISTRICT OF NEW YORK

Mr. GRAHAM. Mr. Speaker, I call up the conference report on H. R. 14659, an act to provide for the appointment of two district judges of the District Court of the United States for the Eastern District of New York, and ask that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14659) entitled "An act to provide for the appointment of two additional judges for the District Court of the United States for the Eastern District of New York" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1, and also recede from its amendment to the title.

GEO. S. GRAHAM,
HATTON W. SUMNERS,
F. H. LAGUARDIA,
Managers on the part of the House.

WM. E. BORAH,
C. W. WATERMAN,
T. J. WALSH,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14659) submitted the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The Senate receded from its amendment and the bill stands agreed to by the conferees as it passed the House.

GEO. S. GRAHAM,
HATTON W. SUMNERS,
F. H. LAGUARDIA,
Managers on the part of the House.

The conference report was agreed to.

UNITED STATES COURT OF CUSTOMS APPEALS

Mr. GRAHAM. Mr. Speaker, I call up another conference report, on the bill (H. R. 6687) to change the title of the United States Court of Customs Appeals, and for other purposes.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6687) to change the title of the United States Court of Customs Appeals, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

GEO. S. GRAHAM,
SAMUEL C. MAJOR,
ANDREW J. HICKEY,
Managers on the part of the House.

G. W. NORRIS,
C. W. WATERMAN,
T. J. WALSH,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 6687 submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The Senate receded from its amendments, and the bill stands agreed to by the conferees as it passed the House.

GEO. S. GRAHAM,
SAMUEL C. MAJOR,
ANDREW J. HICKEY,
Managers on the part of the House.

The conference report was agreed to.

GROVER M. MOSCOWITZ

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution, reported from the Judiciary Committee, which I send to the Clerk's desk.

The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 431) providing for an investigation of Grover M. Moscowitz, United States district judge for the eastern district of New York

Whereas certain statements against Grover M. Moscowitz, United States district judge for the eastern district of New York, have been transmitted by the Speaker of the House of Representatives to the Judiciary Committee: Therefore be it

Resolved, etc., That EARL C. MICHENER, J. BANKS KURTZ, C. ELLIS MOORE, ROYAL H. WELLER, and HENRY ST. GEORGE TUCKER, being a subcommittee of the Committee on the Judiciary of the House of Representatives, be, and they are hereby, authorized and directed to inquire into the official conduct of Grover M. Moscowitz, United States district judge for the eastern district of New York, and to report to the Committee on the Judiciary of the House whether in their opinion the said Grover M. Moscowitz has been guilty of any acts which in contemplation of the Constitution are high crimes or misdemeanors requiring the interposition of the constitutional powers of the House; and that the said special committee have power to hold meetings in the city of Washington, D. C., and elsewhere, and to send for persons and papers, to administer the customary oaths to witnesses, all process to be signed by the Clerk of the House of Representatives under its seal and be served by the Sergeant at Arms of the House or his special messenger; to sit during the sessions of the House until adjournment sine die of the Seventieth Congress and thereafter until said inquiry is completed, and report to the Committee on the Judiciary of the House of the Seventy-first Congress.

SEC. 2. That said special committee be, and the same is hereby, authorized to employ such stenographic, clerical, and other assistance as they may deem necessary, and all expenses incurred by said special committee, including the expenses of such committee when sitting in or outside the District of Columbia, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman of said committee: *Provided, however,* That the total expenditures authorized by this resolution shall not exceed the sum of $5,000.

The SPEAKER. Is there objection?

Mr. SNELL. Reserving the right to object, the Rules of the House of Representatives specifically require that a resolution of investigation shall be referred to the Rules Committee of the House. All the Speakers have strictly adhered to that proposition. Now, if this resolution is allowed to go through by unanimous consent the trouble that will arise is this: There are several other important committees of the House that desire the right to report resolutions of investigation where they have jurisdiction over the subject matter involved. In order to maintain the prestige of the rules of the House and the proper procedure of the House I shall be constrained to object to this going through by unanimous consent. But if the Speaker considers it important enough so that it can not wait over another day, I do not feel that the Rules Committee has been slighted if he recognizes the gentleman from Pennsylvania to move to suspend the rules and pass the resolution. But as far as allowing it to go by unanimous consent I can not do so, and I notified the gentleman from Pennsylvania last week that if another resolution of a similar character was called up I should object.

The SPEAKER. The Chair is prepared to recognize the gentleman from Pennsylvania to move a suspension of the rules.

Mr. GRAHAM. Mr. Speaker, I do not wish it to be taken that I assent to the proposition made by the chairman of the Committee on Rules. I still adhere to the view which I have held and which I expressed on the floor of the House about the reference of everything pertaining to impeachment matters to the Committee on the Judiciary, but as the Chair has recognized

me to make the motion to suspend the rules, I do so now. Mr. Speaker, I move to suspend the rules and pass the joint resolution.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the joint resolution which has just been read. Is a second demanded?

Mr. CELLER. Mr. Speaker, I demand a second.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania is entitled to 20 minutes and the gentleman from New York to 20 minutes.

Mr. GRAHAM. Mr. Speaker, I shall take only a couple of minutes. The purpose of this resolution is to make a preliminary investigation. The committee has not come to any conclusion upon the subject of the conduct of this judge, but as there are only a few days left before the House dies, it is necessary that this committee, if it is to do its work and be efficient, should be continued beyond the expiration of this present session of Congress. This resolution is simply to authorize an examination of witnesses under oath and to preserve the committee in being after the final adjournment of the House.

Mr. BRIGGS. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. BRIGGS. Is this resolution similar to the one which we passed a few days ago in respect Judge Winslow?

Mr. GRAHAM. It is exactly the same, except that the committee will consist of five instead of seven members, owing to a necessity among the membership of the Committee on the Judiciary.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. O'CONNOR of New York. I am in sympathy with the resolution; but I call this situation to the attention of the gentleman. When we adjourn does the gentleman understand that the Committee on the Judiciary will be appointed before next December?

Mr. GRAHAM. I have no understanding about that at all.

Mr. O'CONNOR of New York. If it is not going to be appointed—if, as I understand, only the Committee on Ways and Means, the Committee on Appropriations, and a few others are to be appointed, and this investigation is begun by this subcommittee, that subcommittee, under the resolution, will be required to report back to the full committee, which will not be in existence. If it should be found that this particular judge is not worthy of being continued on the bench, then there is no Judiciary Committee to which to report. I suggest to the gentleman that he try to have the Committee on the Judiciary appointed at least on the reconvening of Congress in the special session. Otherwise we might have a judge on the bench for six or seven months who, the subcommittee believes, should not be there.

Mr. GRAHAM. I entirely agree with the gentleman as to his suggestion about the committee, but that matter is not now before the House.

Mr. O'CONNOR of New York. No; but I call it to the gentleman's attention.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. DICKSTEIN. Will the gentleman explain to the House how these proceedings were brought about, and whether or not the charges against Judge Moscowitz are similar to the charges against Judge Winslow?

Mr. GRAHAM. No; I can not go into that explanation now.

Mr. CELLER. Mr. Speaker, ladies, and gentlemen of the House, this is indeed a very important resolution, and I demanded a second in order that I might have an opportunity to briefly explain its import to the House. I am not opposed to the resolution. When these charges were made against this judge of the eastern district, he courageously, as a judge who is fearless and honest, met the issue and demanded of this House a complete and thorough investigation.

Mr. SOMERS of New York. Mr. Speaker, will the gentleman yield?

Mr. CELLER. In a few moments. Furthermore, he said that he would not hide behind any technical considerations whatsoever, but would give the fullest cooperation to any committee of this House. He felt that the value of his service in the future, the dignity and honor of his office, and the respect due to the judiciary in general, would be seriously impaired unless there be a thorough and quick investigation of these charges. As far as I am personally concerned, as a Member of Congress from the district where this judge presides, I personally feel that these charges are palpably and manifestly false. They spring from the mind of a disgruntled, dissatisfied litigant, and if the Committee on the Judiciary is going to occupy its time with the consideration of appeals of that sort from dissatisfied and chagrined litigants, then that committee will not be able to function properly, and it will be doing nothing more than listening to and considering such appeals.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Not until I have made a brief statement. What is the situation in this case? Here we have the bankruptcy of a man named Levine, in Brooklyn. Just a few days before he was adjudged a bankrupt, he took out of his estate $100,000. What did he do with it? It was the duty of the receiver or the trustee and those representing the court and the creditors to find out.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Yes.

Mr. GRAHAM. Why does the gentleman interpose an objection, when the judge himself has written a letter asking that the investigation be made, and when only an investigation will clear his name?

Mr. CELLER. Mr. Speaker, the distinguished gentleman from Pennsylvania knows that after this is all over and the judge has been cleared we will never know any more about why these charges arose or whence they came, and I want now, before the event, to tell the House something of this situation, in order that the House may know it thoroughly and be guided in its future conduct in matters of this sort.

This judge is entitled to some public explanation of these charges. We only hear one side. There should be an investigation, undoubtedly, but I am going to see to it that this judge has some explanation made now, so that you might suspend your judgment as to his guilt or innocence. Not only you gentlemen are involved in the House but the whole country is involved and the dignity of the Federal court is involved. We ought to know something about this situation. When we go back to our homes after March 4 we will only have in our minds the idea that this judge was attacked. When any man attacks a Federal judge it is just like hitting an opponent when his hands are tied behind his back. He can not come here and defend himself. Some one must defend him in his stead.

Mr. SOMERS of New York. Mr. Speaker, will the gentleman yield there?

Mr. CELLER. Yes.

Mr. SOMERS of New York. Possibly the gentleman does not know, but this judge was acquainted with some of these charges, most of them, before they were presented to the House; and he was given 24 hours in which to ask for an investigation himself, and he failed to do it.

Mr. CELLER. I hardly think it is incumbent on a member of the Federal judiciary to take a challenge of that sort from a Member of the House. He says he is in favor of the investigation and wants the investigation to proceed with all due speed.

Now, let us look into this matter of the $100,000 which was filched from the creditors. The bankrupt committed suicide. His sons were summoned for examination. They were two law students, examined by a special commissioner appointed under the bankruptcy statutes, section 21A. Let me give you something of what transpired before that special commissioner. These two young men were law students, and knew the nature of an oath and had knowledge of their father's estate. They were the logical persons to give testimony to aid the administration of the bankrupt's estate, especially since the bankrupt was dead. Instead of aiding, these young men hindered and obstructed the course of administration. They first disregarded the summons to appear. Then when threatened with contempt and did appear before the special commissioner, Judge Isaac Franklin Russell, they either were evasive or lied. The special commissioner was a former judge of special sessions in New York. I believe he is a trustee of New York University, a very distinguished jurist. Here is a sample of the contemptuous conduct of these young law students: The commissioner asked this young man Levine, "Where were you on Friday night?" He answered, "I do not remember." Then he asked him, "What time did you get home Friday night?" His answer was, "I do not remember." The next question was, "Did you make deposits for your father in 1927?" The answer was, "I do not remember." The next question was, "Did you write out a check for $20,000 on your father's account?" The answer was, "I don't remember." To practically every important question put to this young law student he said, "I don't remember." In that way he thwarted the purpose of the bankruptcy examination. He thus encouraged certification of contempt charges.

Now, what would you, as a special commissioner, what would you, as a judge of the United States district court, do to men of this type?

This judge as special commissioner certified these young men for contempt because their conduct undoubtedly was contumacious and contemptuous of the dignity and honor of the court; and when the proceeding came before the district court he accepted the conclusion of law and fact of the special commissioner, a distinguished judge, and found these boys in contempt. That is why they come here now, because they were found in contempt because of their contumacious conduct, and make this charge against this judge. Thus in examining these charges, consider, please, who made them. And furthermore——

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Yes.

Mr. SNELL. I understand you are not opposing the investigation. You want it?

Mr. CELLER. Yes; but I want this House to understand something of the facts.

Mr. SNELL. You are not trying the man?

Mr. CELLER. No; I am not trying the man. I want to give you a bird's-eye view of this matter—give you something of my view, namely, that these charges are manifestly false and should not ground any action of reasonable men.

Mr. SNELL. Is not the gentleman——

Mr. CELLER. I refuse to yield further.

Furthermore, gentlemen, there was a composition or settlement with creditors in this case. In proceedings before the United States district court in which this judge presided, in addition to Judge Isaac Franklin Russell, the special commissioner, there was Judge Edwin L. Garvin, a former United States district judge, who was predecessor of this very judge as trustee. In addition to that we had a county judge there, Reuben L. Haskell, who represented these Levine brothers, and another lawyer by the name of Duberstein, who likewise represented the boys; and in this composition agreement it was agreed by all parties that there would be a settlement, and on the strength of that settlement the boys were to be purged of their contempt. In other words, all parties interested requested Judge Moscowitz to purge these boys of contempt because they had finally agreed to help the creditors. The judge complied with the request.

Now, mind you, if this judge is guilty of any of the charges in that palpably false affidavit by this chagrined and dissatisfied and disgruntled litigant, do you not say there must have been a conspiracy between Judge Russell and the Hon. Edwin L. Garvin, trustee of the estate, and Judge Reuben L. Haskell to hunt and hound these young men? It is quite inconceivable that all these judges were arrayed and banded together to drive these youths. It is utterly impossible of conception to any reasoning and reasonable man that all these judges were in some sort of conspiracy to hurt these two lads who come here now and complain.

Mr. GRAHAM. Mr. Speaker, will the gentleman permit me to ask him a question?

Mr. CELLER. I yield to the chairman.

Mr. GRAHAM. Is it not a fact that you are stating to the House matters which are not before the committee or which have not been presented to the committee, and in addition to that the point in this case, it would appear now, is this: That whether other judges participated or not, there was undoubtedly a conspiracy among a group of lawyers to rob an estate. Now, the question is: Was the judge acquainted with the facts and did he participate in that conspiracy? That is the inquiry the committee desires to make.

Mr. CELLER. I will say to the gentleman unqualifiedly, no. I have known this judge for many years, and I believe him to be an upright and honest judge, and in order that he might get fair consideration, not only by the Members of this House but by the public in general, I make this statement—because, as I said before, after this blows over you will hear nothing more of the matter, and the man stands accused and condemned prior to trial in the mind of the public, and even after trial usually the public prints only carry a very small notice with reference to the established innocence of the man previously condemned.

For that reason I come here in the House, under my right as a Member of the House, to proclaim what I know about this case and repeat what I said before the Judiciary Committee yesterday. As to whether there was some sort of a conspiracy or banding together upon the part of the attorneys to mulct an estate I will say this: To my mind the fees allowed in that estate were large, larger, undoubtedly, than should have been allowed, but any of you gentlemen who are familiar with bankruptcy practice must be aware of the fact that the referee in bankruptcy usually fixes the fees and not the judge. I am of the opinion, although I am not certain about it, that the referee fixed the fees in this case, but if the referee did not fix them in this case there is nothing in the affidavit and there is nothing in the proof brought before the Judiciary Committee that this judge had anything whatsoever to do with the fixing of the fees, and for that reason I say unqualifiedly to the gentleman from Pennsylvania, the distinguished chairman of this committee, that there is nothing remotely approaching guilt on the part of this judge with reference to the fixing of these fees or any other fees. This I will say, however, that the United States district judges, not only in New York and Brooklyn but elsewhere, are all victims of a very vicious system whereby Federal patronage in the form of receiverships and special masterships is parceled out along political lines. That is the difficulty. If you are going to investigate, conduct a general investigation. Do not fire your ammunition upon one judge in Brooklyn, and do not train your guns particularly on him. Investigate them all, because if he is guilty in that regard they are all guilty in that regard, with reference to parceling out receiverships in return for political favors. That is the only sin, if there is a sin, as far as Judge Moscowitz is concerned. I do not believe, however, that that is indeed a sin because it has been done for the last 100 years, ever since we have had a Federal judiciary.

That vice is inherent in our Federal judiciary system, and you may not be able to prove that any one particular judge or any array of judges are necessarily guilty of moral turpitude or dereliction of duty because they have followed the precedents that have been ingrained into the Federal judiciary system for these last 100 years, namely, to recognize political friends and favorites in receiverships.

Now, gentlemen, I ask you, and I ask the public throughout the country, to suspend judgment upon this man until he has been heard. Do not prejudge him. That is why I stand up here this morning. That is why I demanded a second on this resolution, and for no other reason did I demand a second. I thank you.

The gravamen of these charges is that this judge permitted a group of lawyers to milk an estate by a corrupt use of the power of finding a man in contempt. That a charge of contempt was more or less trumped up against these young Levines to force them to find property to bring into the bankruptcy estate in order to settle with creditors and provide fat fees for lawyers. The charges are not backed up by any evidence of probative value. All we have is inference and innuendo in an affidavit from one of these Levines. If a judge must be put to all this trouble and difficulty on such grounds, I say we had better shut up shop.

I shall not oppose the resolution.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The time is in the control of the gentleman from New York, and the gentleman from New York has three minutes remaining.

Mr. CELLER. Mr. Speaker, I yield the gentleman from New York [Mr. DICKSTEIN] three minutes.

Mr. DICKSTEIN. Mr. Speaker and Members of the House, I am not going to address myself to the facts, as they were properly stated by the gentleman on this side. We are not here to try Judge Moscowitz, yet I, for one, am not going to ask you not to investigate.

The point in my mind—and a very serious point—is, how these proceedings were brought about. It seems to me that they are not founded upon any law or upon any rule of the House. The mere filing of an affidavit by an individual, as in this case, should not result in putting the machinery of this House into such form as to bring before it a resolution of investigation. The judiciary, in my opinion, should be thoroughly safeguarded, so that if a charge is made, it should come from some one in authority or some one of responsibility. Otherwise a bad precedent is established, and if such a precedent is followed, then all that is necessary in order to bring about a procedure of this kind is to have some person who happens to feel he has not received the judgment he expected to receive, file an affidavit with the Speaker, and the machinery is then put into operation.

I contend that that, as a matter of law, is unconstitutional. I further contend that this is not a privileged resolution and that there is in reality nothing before the House for that body to consider in this connection. I tell you, gentlemen, this resolution, which seeks to have the Judiciary Committee function in an investigation against Judge Moscowitz, was not filed by any bar association, nor by any Member of Congress, but was filed by an individual.

Mr. SOMERS of New York. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. SOMERS of New York. This affidavit was filed with the Speaker of the House and was backed by a Member of Congress.

Mr. DICKSTEIN. But the Member of Congress himself does not make the charges. The Member of Congress in this case was simply a messenger boy for somebody in his county to bring the affidavit from the county of Kings, N. Y., and file it with the Speaker of this House.

Mr. SOMERS of New York. But the Member of Congress lent his name to the proceedings.

Mr. DICKSTEIN. If a Member of the Congress will stand up here and tell me he is sponsoring these charges or that he makes the accusations, I withdraw the objection.

Mr. SOMERS of New York. Mr. Speaker, I am sponsoring these charges, I am making these accusations, and I stand responsible for them. [Applause.]

Mr. DICKSTEIN. Since the gentleman from New York is willing to carry the burden of the charge, and says that he is making these accusations and stands responsible for them, far be it from me to question him any further. Let him carry the burden.

The SPEAKER. The time of the gentleman from New York has expired.

The question is on the motion of the gentleman from Pennsylvania [Mr. GRAHAM] to suspend the rules and pass the joint resolution.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

GEORGE WASHINGTON MEMORIAL PARKWAY

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15524) for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital, and I ask unanimous consent that it may be considered.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GARRETT of Texas. Reserving the right to object, Mr. Speaker, I would like to present a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Texas. What has become of our unfinished business under the rule of yesterday?

The SPEAKER. It is pending, and the motion may be made at any time. It is in order, but it is in the discretion of the gentleman in charge of the bill.

Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $7,000,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for acquiring and developing, except as in this section otherwise provided, in accordance with the provisions of the act of June 6, 1924, entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," as amended, such lands in the States of Maryland and Virginia as are necessary and desirable for the park and parkway system of the National Capital in the environs of Washington. Such funds shall be appropriated as required for the expeditious, economical, and efficient development and completion of the following projects:

(a) The George Washington Memorial Parkway, to include the shores of the Potomac from Mount Vernon to a point above the Great Falls on the Virginia side, except within the city of Alexandria, and from Fort Washington to a similar point above the Great Falls on the Maryland side, except within the District of Columbia, including Analostan Island, and including the protection and preservation of the natural scenery of the Gorge and the Great Falls of the Potomac and the acquisition of that portion of the Chesapeake & Ohio Canal: *Provided*, That the Mount Vernon Memorial Highway, authorized by the act approved May 23, 1928, shall, upon completion, if constructed on the river route, be maintained and administered as a part of said parkway, as provided in said act for other lands acquired by the said commission. Said commission is authorized to occupy such lands belonging to the United States as may be necessary for the development and protection of said parkway and to accept the donation to the United States of any other lands by it deemed desirable for inclusion in said parkway. As to any lands in Maryland or Virginia along or adjacent to the shores of the Potomac within the proposed limits of the parkway that would involve great expense for their acquisition and are held by said commission not to be essential to the proper carrying out of the project, the acquisition of said lands shall not be required, upon a finding of the commission to that effect. Said parkway shall include a highway from Fort Washington to the Great Falls on the Maryland side of the Potomac: *Provided*, That no money shall be expended by the United States for this project until the National Capital Park and Planning Commission shall have received definite commitments from the States of Maryland and Virginia, or political subdivisions thereof, or from other responsible sources for one-half the cost of acquiring the lands in its judgment necessary for said project, other than lands now belonging to the United States or donated to the United States, and one-half the cost of construction of necessary highways on the Maryland side of the Potomac, and any necessary highway to connect the Highway Bridge, the Arlington Memorial Bridge, and the Key Bridge on the Virginia side: *Provided*, That in the discretion of the National Capital Park and Planning Commission, upon agreement duly entered into by the States of Maryland and Virginia or any political subdivision thereof to reimburse the United States as hereinafter provided, it may advance the full amount of the funds necessary for the acquisition of the lands referred to in this paragraph, such agreement providing for reimbursement to the United States to the extent of one-half of the cost thereof without interest within not more than five years from the date of any such expenditure.

(b) The extension of Rock Creek Park into Maryland as may be agreed upon between the National Capital Park and Planning Commission and the State of Maryland or any political subdivisions thereof, for the preservation of the flow of water in Rock Creek, and in the discretion of the National Capital Park and Planning Commission the extension of the Anacostia park system up the valley of Indian Creek, the Northwest Branch, and Sligo Creek, as may be agreed upon between the National Capital Park and Planning Commission and the State of Maryland or any political subdivisions thereof: *Provided*, That in the acquisition of lands for the purposes of this paragraph one-third of the cost thereof shall be borne by the United States and two-thirds by the State of Maryland or other public or private source: *Provided further*, That in the discretion of the National Capital Park and Planning Commission upon agreement duly entered into by the State of Maryland or any political subdivision thereof to reimburse the United States, as hereinafter provided, it may advance the full amount of the funds necessary for the acquisition of the lands referred to in this paragraph, such agreement providing for reimbursement to the United States to the extent of two-thirds of the cost thereof without interest within not more than five years from the date of any such expenditure. The title to the lands acquired hereunder shall vest in the United States, but the development and administration thereof shall be under such local authority as shall be approved by the National Capital Park and Planning Commission and in accordance with regulations approved by the National Capital Park and Planning Commission. The United States is not to share in the cost of construction of roads in the areas mentioned in this paragraph, except if and as Federal-aid highways, but such roads, if constructed, shall be with the approval of the National Capital Park and Planning Commission and in accordance with plans duly approved by said commission.

SEC. 2. Whenever it becomes necessary to acquire by condemnation proceedings any lands in the States of Virginia or Maryland for the purpose of carrying out the provisions of this act, such proceedings shall conform to the laws of the State affected in force at that time in reference to Federal condemnation proceedings. No payment shall be made for any such lands until the title thereto in the United States shall be satisfactory to the Attorney General of the United States.

SEC. 3. Whenever the use of the Forts Washington, Foote, and Hunt, or either of them, is no longer deemed necessary for military purposes they shall be turned over to the National Capital Park and Planning Commission, without cost, for administration and maintenance as a part of the said George Washington Memorial Parkway.

SEC. 4. There is hereby further authorized to be appropriated the sum of $16,000,000, or so much thereof as may be necessary, out of any money in the Treasury of the United States not otherwise appropriated, for the acquiring of such lands in the District of Columbia as are necessary and desirable for the suitable development of the National Capital park, parkway, and playground system, in accordance with the provisions of the said act of June 6, 1924, as amended, except as in this section otherwise provided. Such funds shall be appropriated in the fiscal year 1931 and thereafter as required for the expeditious, economical, and efficient accomplishment of the purposes of this act, and shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia, as follows, to wit: $1,000,000 on the 1st day of January, 1931, and $1,000,000 on the 1st day of January each year thereafter until the full amount expended hereunder is reimbursed without interest.

With the following committee amendments:

Page 2, line 15, after the word "Columbia," strike out the words "including Analostan Island, and."

Page 2, line 19, after the word "Canal," strike out the balance of line 19 and all of lines 20, 21, 22, 23, and 24, and insert in lieu thereof

the following: "The title to the lands acquired hereunder shall rest in the United States, and said lands, including the Mount Vernon Memorial Highway authorized by the act approved May 23, 1928, upon its completion, shall be maintained and administered by the Director of Public Buildings and Public Parks of the National Capital, who shall exercise all the authority, powers, and duties with respect to lands acquired under this section as are conferred upon him within the District of Columbia by the act approved February 26, 1925; and said director authorized to incur such expenses as may be necessary for the proper administration and maintenance of said lands within the limits of the appropriations from time to time granted therefor from the Treasury of the United States, which appropriations are hereby authorized."

Page 4, line 2, after the word "for," insert the words "lands for any unit of."

Line 5, strike out the word "States" and insert the word "State" and in the same line strike out the word "and" and insert the word "or."

Line 8, strike out the words "said project" and insert in lieu thereof "such unit of such project deemed by said commission sufficiently complete."

Line 11, strike out the words "and one-half the cost of" and insert the words "*Provided further*, That no money shall be expended by the United States for the."

Line 14, strike out the word "and" and insert the words "nor for."

Line 16, after the word "side," insert the words "until the National Capital Park and Planning Commission shall have received definite commitments from the State of Maryland or Virginia, or political subdivisions thereof or from other responsible sources, for one-half the cost of that portion of said highways lying within any such unit of the project."

Line 24, strike out the word "States" and insert the word "State," and in the same line strike out the word "and" and insert the word "or."

Page 5, line 2, after the word "lands," insert the words "and the construction of such roads in any such unit."

Line 14, after the word "of," insert the words "the Anacostia River."

Line 16, after the word "Creek," insert the words "and of the George Washington Memorial Parkway up the valley of Cabin John Creek."

Line 20, after the word "*Provided*," strike out the balance of line 20 and all of lines 21, 22, and 23, and insert in lieu thereof the following:

"That no money shall be expended by the United States for lands for any such extensions until the National Capital Park and Planning Commission shall have received definite commitments from the State of Maryland or one or more political subdivisions thereof or from other responsible sources for two-thirds the cost of acquiring the lands in its judgment necessary for such unit of said extensions deemed by said commission sufficiently complete, other than lands now belonging to the United States or donated to the United States:"

Page 6, line 14, after the word "lands," insert the words "in any such single unit of any such extension."

Page 7, line 17, after the word "the," strike out the words "National Capital Park and Planning Commission" and insert in lieu thereof the words "Director of Public Buildings and Public Parks of the National Capital."

Page 8, line 5, strike out the word "in" and insert in lieu thereof the word "for."

Line 10, strike out the words "1st day of January" and insert in lieu thereof "30th day of June."

Line 11, strike out "1st day of January" and insert in lieu thereof "30th day of June."

Line 13, after the word "interest," insert the words "The National Capital Park and Planning Commission shall, before purchasing any lands hereunder for playground purposes, request from the Commissioners of the District of Columbia a report thereon."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

On motion of Mr. ELLIOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LOAD-LINE LEGISLATION

Mr. WHITE of Maine. Mr. Speaker, I call up the conference report of the bill (S. 1781) to establish load lines for American vessels, and for other purposes.

The Clerk read the conference report.

(For conference report see proceedings of the House of February 26, 1929, p. 4450.)

Mr. ABERNETHY and Mr. WHITE of Maine rose.

Mr. ABERNETHY. Mr. Speaker, I desire to make the point of order that the report contains matter not the subject of difference between the two Houses, and I call the Chair's attention to section 9, which says this:

The Secretary of Commerce is directed to make a comprehensive study of load-line legislation in the coastwise and intercoastal trade on the Great Lakes, and all types of vessels, and shall submit his report to the Houses of Congress in the month of December, 1929, accompanying such report with tentative draft of a bill to effectuate the recommendations embodied in said report.

I am a member of the Committee on the Merchant Marine and Fisheries and was one of the proponents of the exceptions that were contained in section 9 as the bill passed the House. I was not on the conference committee, but I feel that the conference committee has gone out of its way, and by an agreement have stricken out section 9 as it passed the House and have inserted section 9 as I have heretofore read. I want the Chair and the House to hear this. The new section proposes that the Secretary of Commerce shall make a comprehensive study of this matter and prepare a bill and report it to the December, 1929, session of the Congress. Neither the Senate nor the House ever considered any such thing, and it does seem to me that this is entirely foreign to what either House considered. We are asking somebody who is not even a Member of the Congress to prepare a bill and send it back here for us to pass it at the next Congress, and I cite, Mr. Speaker, in support of the point of order, House Manual, paragraph 540; Hinds' Precedents, sections 6409, 6410, 6414, 6416; and the CONGRESSIONAL RECORD, Sixty-second Congress, first session, page 7427, and Sixty-third Congress, page 5208.

Now, Mr. Speaker, because of the legislative situation here, it does seem to me that when the conferees bring back matter entirely foreign to what either House has considered it is going far afield.

Mr. WHITE of Maine. Mr. Speaker, the bill as it came from the Senate dealt only with vessels in foreign trade. As passed by the House it dealt not only with vessels in foreign trade but it dealt specifically with vessels in the coastwise trade, making exception, however, of certain vessels in the coastwise trade which otherwise would be within the terms of the bill, and excluding also vessels on the Great Lakes, whether foreign or coastwise.

The conferees have omitted from the bill the House provision which covered coastwise vessels, and we have requested the Secretary of Commerce to make a study of load-line legislation with respect to coastwise vessels and with respect to vessels in trade on the Great Lakes, and report to Congress and transmit to Congress a tentative draft of a bill. It seems to the conferees that a request for the recommendation as to these matters was clearly within the province of the conferees.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. WHITE of Maine. I yield.

Mr. CHINDBLOM. The gentleman does not insist that the action of the House included anything with reference to the Great Lakes—I think that is foreign matter.

Mr. DAVIS. Mr. Speaker, first, with respect to the suggestion by the gentleman from Illinois [Mr. CHINDBLOM], I wish to state that the amendment to the Senate bill adopted by the House did in general terms not only include coastwise, but also vessels operating on the Great Lakes, by the amendment striking out the word "foreign" in the first section, and by an amendment striking out the word "salt" and inserting the word "sea," so as to make it "sea water" instead of "salt water." With the exception of section 9, which is in controversy, the House bill made the load line law applicable to all vessels of over 250 tons, whether they were in the foreign trade or the coastwise trade or on the Great Lakes.

Section 9 excludes from the provisions of the act vessels operating exclusively on the Great Lakes, still leaving within the provisions of the act vessels on the Great Lakes which go into the Atlantic Ocean.

It also excluded from the provisions of the act certain types of coastwise vessels, to wit, barges which would otherwise come within the provisions of the law, and lumber schooners operating between points in the United States and contiguous territory.

Now, the House yielded on that amendment. In other words, the conferees agreed to an amendment striking out section 9, with an amendment, which is now in the conference report and which deals with the identical vessels which were dealt with in the original section 9, which was a House amendment. Instead of applying the load line to all vessels in coastwise and Great Lakes trade, except those named in section 9, it strikes out section 9 with an amendment which directs the Secretary of Commerce to make a study of the application of the load line to these classes of vessels and make a recommendation to the next Congress.

It is germane not only to the subject matter in the bill, but to the specific matters dealt with in section 9, to which this is an amendment. I think it is clearly not subject to a point of order.

Mr. CHALMERS. Mr. Speaker, I differ with the gentleman from Tennessee [Mr. DAVIS]. It seems to me that the conferees on the part of the House and the Senate are attempting here to write a new bill. I have in my hand the original Senate bill as it passed the Senate and the House bill as it passed the House. The House put in the bill section 9, exempting the Great Lakes from the provisions of the act. The conferees are attempting to write a new bill and put into the conference report new matter that they did not have any authority to do under the Senate or the House bill. I claim that the conference report is clearly out of order. I think that matter of this kind and of this importance, that takes in the great interests of shipping on the Great Lakes, ought to be considered by a committee before we attempt to write a law on this subject. I do not think the conferees ought to attempt to write a law here until it has been considered by the proper committee.

Mr. WHITE of Maine. Mr. Speaker, a question has been raised as to whether there was anything about the Great Lakes in either the House or the Senate bill. The bill as it passed the Senate provides for a foreign voyage by sea. A decision of the United States Supreme Court holds in terms that the Great Lakes, within the contemplation of the navigation laws of the United States, are at least for certain purposes seas, and that a voyage on the Great Lakes is a voyage by sea, and a foreign voyage by sea, of course, therefore, may be a voyage from a port in the United States to a port in Canada on the Great Lakes.

Mr. CHALMERS. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. CHALMERS. We do not question but that the Great Lakes are inland seas, but the question that we are raising is the fact that the conferees are attempting to write new matter into the conference report, and it seems to me that it is clearly subject to the point of order.

Mr. WHITE of Maine. Mr. Speaker, I contend that the Senate bill applied to a foreign voyage upon the Great Lakes. The House bill excluded the Great Lakes from the application of the load line law either in voyages between ports of the United States or to any foreign port. The conferees have stricken from the bill the reference to the Great Lakes, except as we have provided for a study of the load-line legislation on the Great Lakes, as in the coastwise trade, and it seems to me clear that what we have done falls within the extremities of the House and Senate bills.

Mr. CHALMERS. The conferees have stricken out the House amendment, section 9, and have written a new amendment that is not in either the Senate bill or the House bill.

Mr. WHITE of Maine. It was not in either bill in precise language, but the subject of load lines upon the Great Lakes was covered by the Senate bill.

Mr. DAVIS. Mr. Speaker, the conferees have agreed upon and report another amendment to section 1 of the bill. In other words, we receded on the House amendment striking out the word "foreign" with certain amendment to the same section specifically "excepting the Great Lakes" from the provisions of this bill. If the other is new matter, this is new matter also.

Mr. CHALMERS. Mr. Speaker, will the gentleman yield?

Mr DAVIS. Yes.

Mr. CHALMERS. The gentleman does not claim, because I know he is a good parliamentarian, that you can strike out the section put in in the House and write a new section in place of it which has not been considered by the committee.

Mr. DAVIS. I say that you can strike out a section with a germane amendment in lieu, and that is what we have done.

Mr. CHALMERS. I claim that the conferees have put in extraneous, outside matter.

Mr. CRAMTON. Mr. Speaker, it is a little difficult in discussing this report to ignore the statement of the conferees, although under the parliamentary rules the statement is not subject to the point of order. It is certainly an innovation that the conferees should have the assurance to adopt a set of resolutions and report them to the House laying down the future policy of the Government. However, that is not subject to the point of order.

The gentleman from North Carolina [Mr. ABERNETHY] in my judgment is entirely correct in his point of order. The conferees, when they took up the amendment of the House to the Senate bill, did not have before them the entire bill. They are not authorized to report back amendments simply because they are germane to the bill. They must be germane to the amendment for which they are to be substituted. That is to say, the conferees on this bill, when they were considering section 9, could only agree upon an amendment to section 9 which would be germane to section 9 and within the limits of disagreement. Section 9, as it passed the House, simply excluded vessels on the Great Lakes and other schooners and barges from the operation of this law. The amendment that is agreed upon by the conferees is not germane to that section 9. It brings in matters that were not in disagreement. It brings in new matter entirely. That is to say, it directs the Secretary of Commerce to take certain action. There is nothing in this section as passed by the House about any activity by the Secretary of Commerce. There is nothing in section 9 as it passed the House about any investigation of the subject by anybody, and hence the provision of the conferees directing an investigation of an important question with a report at a specified time, is not germane to section 9 and was not within the scope of the work of the conferees, and the point of order should be sustained.

Mr. LEHLBACH. Mr. Speaker, one bill provided for a load line for ships in foreign voyages, exclusively. The bill as it passed the House included the coastwise trade, but by section 9 excluded certain types of vessels from coastwise load-line legislation, which was one of the points in difference. What the conferees did was, in place of excluding them from coastwise legislation, to direct a certain official, to wit, the Secretary of Commerce, to give us information as to the coastwise proposition generally, which was in difference, and whether there should be distinctions of certain types of vessels, which is expressed in the substitute for section 9, in regulating coastwise legislation. Thereupon all coastwise load-line legislation was eliminated by the conferees. It is both pertinent to the section and to the bill.

The SPEAKER. The Chair realizes the gravity of outlawing a conference report at this stage of the session, but the Chair is called upon to decide whether the conferees have exceeded their power in putting in the amendment referred to. Section 9 of the House amendment provides:

SEC. 9. This act shall not apply to vessels operating exclusively on the Great Lakes or to barges otherwise coming within the provisions of this act or to lumber schooners operating to and from territory contiguous to the United States.

The Senate disagreed to that.

The conferees have brought in an amendment directing the Secretary of Commerce to make a comprehensive study of those lines. The Chair can not see in either the Senate bill or the House amendment any proposition that would direct the Secretary of Commerce to make an investigation. The House evidently never thought of it, and the Senate evidently never thought of it. While it might be vaguely germane to the purposes of the bill, the Chair thinks it is entirely new matter, never contemplated by either body. The Chair thinks the conferees exceeded their authority. Therefore the Chair feels constrained to sustain the point of order.

RADIO CENTER AT BOLLING FIELD

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13931, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 13931, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill title and the Senate amendments.

The Clerk read as follows:

A bill (H. R. 13931) to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, District of Columbia.

The Senate amendments were read.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I am now advised that these items that were added by the Senate have come to Congress with the approval of the department and with the approval of the Budget, and have been reported to the House by the proper committee. In these closing days we have to cut some corners. I shall not object to the consideration of the Senate amendments.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

Amend the title.

BATTLE FIELD OF MONOCACY, MD.

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11722, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 11722, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill by title and the Senate amendments.

The Clerk read as follows:

A bill (H. R. 11722) to establish a national military park at the battle field of Monocacy, Md.

The Senate amendments were read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

Amend the title.

MUSCLE SHOALS

Mr. MORIN. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 8305.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORIN. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following report of the Committee on Military Affairs:

[H. Rept. 2564, pt. 2, 70th Cong., 2d sess.]

MUSCLE SHOALS

Mr. MORIN, from the Committee on Military Affairs, submitted the following report (to accompany H. R. 8305):

H. R. 8305 should not be agreed to because of serious objections to the measure. As Congress under the Constitution has unlimited power in the disposition of public property, no court could reform or relieve the Government from a foolish or unwise contract directed by Congress itself relative to the disposition of public property. Hence this contract should be clearly understood and carefully studied, as once enacted into law the Government is without redress.

In preparing the following information for the House, data and information from the War Department, Federal Power Commission, and others in various official documents submitted to Congress and in hearings before various committees are referred to for facts and figures so that Congress may have the benefit of information from official sources.

THE PROPOSAL HAS BEEN REJECTED FIVE TIMES

It is interesting to note that in reporting H. R. 8305 favorably that, of the 21 members of the Committee on Military Affairs only 12 were actually present, and of these only 10, not a majority, voted for a favorable report. This is especially significant in view of the fact that since the proposal has been before Congress it has been rejected by congressional committees on five different occasions, first by the Joint Congressional Committee, once by the Senate Committee on Agriculture, and three times by the House Military Committee.

AN UNWISE CONTRACT

This report states my objections to the pending measure and discusses each objection. I also offer a substitute bill which, if accepted, will serve all the purposes of Muscle Shoals, be in accord with the views expressed by Secretary of Agriculture Jardine (Muscle Shoals hearings, Military Committee, 1927, p. 1042), will do no violence to the national policy expressed in the Federal power act, avoid favoritism, and require no further appropriations for additions to the Muscle Shoals project.

Under the bill as drafted the rights of the Government and the lessee are in sharp contrast. The obligations of the Government are fixed and determined, the obligations of the lessee are vague and shadowy. There are no provisions protecting the rights and interests of the Government, while the rights and interests of the lessee are fixed and determined.

For example, assuming that within the first 10 years the Government performed all of its agreements as to the construction of Dam No. 3 and Cove Creek Dam at a cost estimated to be $88,576,222, the lessee during all that period would have paid to the United States only the limited rentals accruing during the first 10 years of the contract, i. e., $200,000 for 6 years and $1,250,000 per year for the next 4 years, a total of $7,200,000, this being the rental for Dam No. 2 and other existing property. No rentals for Dam No. 3 would accrue until after its completion. In exchange for this payment of $7,200,000 during the first 10 years of the contract the lessee would have available for its use or sale the total present power output of the existing hydroelectric and steam plants, for which a contract can be entered into bringing an average return of $2,000,000 annually, or $20,000,000. There is no legally enforceable requirement that the lessee make any relatively large investment in properties passing to the United States in the event of termination for default. The maximum amount required is but $10,000,000. Hence, the lessee may commit any gross and willful default after 10 years of operation and legally escape with several million dollars profit without recourse by the Government.

In the light of sound business procedure, which should govern the administration of public property the same as if it were privately owned, no board of directors of a private corporation with due regard to the interest of its stockholders would seriously consider imposing obligations upon the corporation that are sought to be placed on the United States by the terms of the Air Nitrates Corporation offer.

OBJECTIONS

The proposed lease is unsatisfactory and inadequate for the following reasons:

1. National defense does not demand nor justify the further expenditure of public funds, approximating $88,576,222, for new dams, power plants, and power facilities at Muscle Shoals. (For estimates of cost see H. Doc. No. 185, 70th Cong., pp. 77–99.)

2. The lease contains no binding guaranty to engage in quantity production of fertilizer. It assumes no obligation to produce fertilizer at competitive prices. The company engages to manufacture fertilizer only on condition that it makes a profit. Failure to manufacture fertilizer in commercial quantities, at competitive prices, with or without profit, would not forfeit the lease.

3. The lessee will be the exclusive beneficiary of tremendous blocks of power for its private use developed at public expense, free of restrictions and regulations of the water power act. This is a subsidy favorable to one corporation engaged in business in competition with other citizens and corporations.

4. The contract proposes inadequate payments for power and for valuable properties for private use and private gain, amounting to about 2½ per cent annually without obligation that it will be used for fertilizer manufacture or made available for public service.

5. While the United States must agree to spend an amount estimated at $88,576,222 additional on Muscle Shoals in order to accept the contract, under the recapture clause, it must spend the further sum of $40,000,000 to $50,000,000 to recover its properties if fertilizer production is suspended because of failure of the lessee to produce it successfully.

Total expenditures

EXPENDITURE TO DATE

Nitrate plant No. 1 (1,900-acre reservation)	$12, 887, 941. 31
Nitrate plant No. 2 (2,300-acre reservation)	67, 555, 355. 09
Wilson Dam and power plant	47, 000, 000. 00
Total cost to date (not including maintenance charges	127, 443, 296. 40

ADDITIONAL EXPENDITURES

Additions to Dam No. 2	8, 000, 000. 00
Dam No. 3	43, 035, 579. 00
Cove Creek, in State of Tennessee, 300 miles above Muscle Shoals	37, 540, 643. 00
Total	88, 576, 222. 00
Grand total investment	216, 019, 518. 40

[NOTE: The above statement of cost of nitrate plants No. 1 and No. 2 are taken from the report of the Secretary of War to the Speaker of the House and appear on page 5, Muscle Shoals hearings, Military Affairs Committee, House of Representatives, 1922. The cost of Dam No. 2 to date is quoted from an Army engineer's statement in the War Department 1930 appropriation bill hearings, House Appropriations Committee, page 188. The proposed expenditures to be made under the bill H. R. 8305 are taken from War Department estimates, House of Representatives Document No. 185, Seventieth Congress, first session, pages 77 and 99.]

OBJECTIONS DISCUSSED

1. National defense does not demand nor justify the further expenditure of public funds, estimated by Government engineers at $88,576,222 for new dams, power plants, and power facilities at Muscle Shoals. (For estimates of cost see H. Doc. No. 185, 70th Cong., pp. 77 and 99.)

Confronted with the desire, if not the necessity, to protect the taxpayer from profligate expenditure of public funds, it is impossible to reconcile the views of the Reece report No. 2564 with an imperative necessity to pour into the Muscle Shoals situation more public funds for the construction of additional power plants, bringing the total investment at that development to at least $216,019,518.40. Testimony before the committee by representatives of the War Department is to the effect that the use of Muscle Shoals for the manufacture of nitrates for national defense is not so important as in 1916, when the act creating Muscle Shoals was passed. They have repeatedly testified that if the Muscle Shoals plant were not in existence there would be no occasion at this time to construct nitrate plants for the production of explosives. Two years ago General Williams, Chief of Ordnance, testified before the Military Affairs Committee in response to a question by Mr. WAINWRIGHT for his views of the necessity of maintaining Muscle Shoals as an element of national defense, as follows:

"I think I will start my statement by going back to the beginning of the war, in 1914, and I will call to the attention of the committee the fact that overseas transportation, in so far as Germany was concerned, was cut off very soon after the war opened in 1914.

"Germany, at the beginning of 1914, had nitrogen-fixation plants of a total capacity of 19,000 tons of nitrogen per year. They had four plants, one using the Haber process, with a capacity of 8,000 tons, and three using the cyanamide process, which had a capacity of 11,000 tons of nitrogen.

"Bear in mind the fact that Germany fought the war for four and a half years, and for four years of that time, anyway, the importation of sodium nitrate, which was essential for making nitric acid, was cut off.

"Now, let us go to the existing conditions in the United States as of to-day. As of to-day, there are eight plants in the United States using various modifications of the Haber process that have a total annual capacity of 30,000 tons of nitrogen * * *.

"In other words, there exists in the United States to-day a total capacity of 78,000 tons of fixed nitrogen per year, which is almost four times the capacity that existed in Germany at the beginning of the war. Germany fought the war.

"The inevitable conclusion from that, to my mind, is that in so far as the fixation of nitrogen alone is concerned the United States to-day is very well off; and if we compare the condition of the United States to-day with that existing in 1914 before the war, we are many, many times better off than we were in 1914 * * *.

"The essential part of nitrate plants Nos. 1 and 2 at Muscle Shoals, as of to-day, and in so far as national defense is concerned, is in their oxidation plants for the conversion of the ammonia into nitric acid. We can go out into the market and buy ammonia without any trouble at all and put it into these oxidation plants, and they are valuable and very essential to the national defense to-day.

"How long they will remain as essential as they are to-day depends entirely upon the commercial production of the oxidation of the ammonia into nitric acid." (Muscle Shoals hearings, Military Affairs Committee, vol. 2, 1927, pp. 1055, 1056.)

In March, 1928, Major Miles, representing the Ordnance Department, in response to a question by the chairman of the importance of Muscle Shoals from the national-defense standpoint, testified as follows:

"The CHAIRMAN. Then you think it would be advisable to keep them there in a stand-by condition?

"Major MILES. Yes, sir; to keep them in a stand-by condition until such time as the synthetic industry has reached the point where it can produce nitric-acid plants more quickly than we can bring in the nitrate plant from stand-by into real operation.

"The CHAIRMAN. Would you say there is the same need for nitrate preparedness to-day that existed when the section 124 of the national defense act was enacted?

"Major MILES. No, sir; I do not think so. The synthetic process has placed us in a position which, in a few years, will make us independent of the Chilean nitrates for commercial needs; and it would greatly facilitate the production of nitric acid and other nitrates in case of war, so that I do not think we are in the same position at all.

"The CHAIRMAN. Then Muscle Shoals would not be so important as a national-defense proposition when this development has arrived at what you expect it will produce?

"Major MILES. No, sir; I think that is true * * *.

"Mr. JAMES. How long will that be?

"Major MILES. Probably it will be within the next 10 years. The production of synthetic ammonia, per annum, now is around 30,000 tons, and it will go to 84,000 tons by the end of this year, which gives you some idea of the rate at which the industry is increasing." (Muscle Shoals hearings, Military Affairs Committee, 1928, pp. 442, 443.)

In the light of this expert evidence by War Department officers it is submitted to the judgment of Members of the House that national defense does not justify the United States in turning valuable properties over to the exclusive use of the lessee or to expend additional large sums to induce the lessee to maintain the nitrate plants in stand-by condition or for the period remaining when they will have become unnecessary for national-defense purposes. Indeed, the proposed lease contemplates their maintenance in equivalent condition for national defense only until the Congress shall declare such maintenance is no longer necessary; neither does it clearly set forth whose duty it is to replace machinery or equipment which 50 years of active operation will entirely wear out.

2. The lease contains no binding guaranty to engage in quantity production of fertilizer. It assumes no obligation to produce fertilizer at competitive prices. The company engages to manufacture fertilizer only on condition that it makes a profit. Failure to manufacture fertilizer in commercial quantities at competitive prices, with or without profit, would not forfeit the lease.

LIMITED QUANTITY OF FERTILIZER TO BE PRODUCED

In consideration of turning over tremendously valuable properties to the lessee, representing an eventual investment of Government funds of more than $216,000,000, it agrees to manufacture and sell fertilizer to farmers, beginning with a small amount and increasing only as and when it is purchased by the farmer on condition that it is able to do so and make a profit of 8 per cent. (Art. F, subsec. 1, p. 16.) In event the lessee's cost of production plus the stipulated profit, or in event the quality or grade of fertilizer should be such that the farmer does not buy the entire output of the first unit, the lessee is permitted to suspend production by retaining in storage fertilizer containing only 2,500 tons of nitrogen. (Art. F, p. 20.)

The lessee agrees to produce at plant No. 2 or at its option, at other plants it may provide, "ammonium phosphate or other nitrogenous concentrated fertilizer * * * in the form of ammonia and/or phosphoric acid and/or potash."

The contract recites that—

"production of such concentrated fertilizer will be commenced at said United States Nitrate Plant No. 2, by using the cyanamide process." (Sec. F, subdivision 1, p. 16.)

It is impossible to state positively how much nitrogen for fertilizer purposes the lessee is obligated to make. The lessee agrees that not later than the third year of the leased term the first unit will be operated at full capacity for production of fertilizer, but does not say how long this operation will continue. Possibly one day at full capacity would satisfy the obligation as written. Nor is there anywhere in the proposed lease a definite provision that the lessee will produce the amount that would be represented by the first unit working at full capacity for one year. The obligation is only to retain in storage at least 25 per cent of the annual capacity of the first unit. Suppose slightly more than 25 per cent is manufactured. The overhead charge, for example, on 30 per cent is much more per pound that 100 per cent. It is possible that the cost of this 30 per cent would be so high it could not be sold in competition with existing fertilizer. What happens? Apparently provision is made for crediting to the cost of the fertilizer the profits from the power made available by the suspension of fertilizer production. However, this is not definitely stated, neither is it stated what amount of fertilizer is meant, although it is presumed to be the amount in storage. The contract as written would permit charging against this fertilizer in storage all the continuing items of cost recited in the contract (covering several pages). These additional costs would constantly increase the book value of the fertilizer held in storage and consequently prevent it ever becoming salable in open-market competition. This would reduce the contract at once to a mere power proposition, in which the Government is to get only $200,000 a year for the first six years and then approximately $1,285,000 a year. Deferred payments of $1,085,000 a year are not collectible until the end of the thirty-fifth year, and it is submitted that in case the lease is terminated before the thirty-fifth year it is probable that these deferred payments would be uncollectible.

Initial production is limited to fertilizer containing 10,000 tons of nitrogen until such time as the full 10,000-ton output has been marketed at cost plus 8 per cent for each of three successive years, whereupon another step up of 10,000 tons will be produced by installing an additional unit. Until the full output of 10,000 tons capacity in the first instance and of 20,000 tons capacity in the second instance has been sold for each of three successive years, respectively, fertilizer production will remain at 10,000 tons or at 20,000 tons annually, as the case may be, and so on up to a maximum of 50,000 tons. Production would never exceed, however, 20,000 tons until the United States has completed and turned over to the lessee the Cove Creek project. Under the most favorable conditions, fertilizer production can not attain the maximum output until after 15 years. However, to do this the full output of each proceeding unit must be sold each year for three years in succession before the obligation attaches to install an additional 10,000-ton unit.

If, however, at any time, the market does not absorb in any year the then capacity output, the lessee is permitted to suspend fertilizer production in which case it would continue in the undisturbed enjoyment of the property and the power by retaining in storage sufficient fertilizer to contain only 2,500 tons of nitrogen. (Sec. F, p. 16.)

COST-PLUS PROPOSITION

The contract is therefore purely a cost-plus proposition, so far as fertilizer production goes, with the control of two factors essential to the success of the fertilizer program in the hands and under the exclusive jurisdiction of the lessee. These factors are the character or quality of fertilizer produced and the manufactured cost, plus 8 per cent, at which it would be offered to the farmer. The so-called farmer board has no power to regulate or control these two important elements necessary for successful fertilizer production at Muscle Shoals. Their authority is limited solely to an ascertainment of the fact that the price offered the farmer does not exceed the items of cost which the lessee is permitted to include. (Subdivision 5, pp. 50–51.) The ability of the lessee to produce fertilizer at competitive prices, including the stipulated profit, for each year, over a period of 50 years, is the only assurance that it will ever be to the interest of the farmer to buy Muscle Shoals fertilizer. In this connection the attention of Members of the House is called to the provisions of the contract (subdivision 2 of sec. 5, beginning at p. 37) which carefully enumerates every possible or imaginable item of production on which the lease stipulates a profit of 8 per cent. Careful reading of this provision must impress anyone that fertilizer production is so hedged about with conditions that it can not be asserted, from any section of the

contract itself, that fertilizer production after the first year is assured beyond 2,500 tons of nitrogen in storage.

CHEAPER METHODS AVAILABLE

Contrary to the situation in 1918 when nitrate plant No. 2 was built to use the cyanamide or power-using process, then the most modern method, the industrial fixation of nitrogen has made great progress since that time. The almost universal method being installed in new plants is the synthetic process requiring only small amounts of power. According to testimony before the committee by representatives both of the Ordnance Department and the Department of Agriculture, the synthetic process is now accepted as the cheapest, which accounts for the fact that 75 per cent of the present world's output of nitrogen fixation is obtained through that method. In the United States plants are in operation producing several thousand tons annually built within the last four or five years although at the time the Muscle Shoals plants were built there were no nitrogen plants of any consequence in operation within the United States. According to recent testimony before the committee as well as from current reports in the press and in trade journals, the new plant at Hopewell, Va., is supplying nitrogen in the form of liquid ammonia in large quantities for fertilizer use in competition with other sources of supply even though it has been in operation for only a short time and only the first units are in production.

The lessee does not agree to employ the power-using or cyanamide process if it sees fit to go to some other process. The following is from the testimony of Mr. Bell, president of the company, before the committee:

"I think I get what you are trying to develop. It neither requires us to produce by the cyanamide process during the entire term of the lease, nor does it require us to produce at plant No. 2 should we choose to produce at plant No. 1. In other words, we have been very careful to provide that if we find the cyanamide process in our opinion not the most advantageous process to use, we shall be perfectly free to produce by any other process we see fit." (Muscle Shoals hearings, Military Committee, 1927, pp. 704–705.)

COVE CREEK AND DAM NO. 3 NOT NEEDED FOR FERTILIZER PRODUCTION

Advocates of the bill insist that additional power is needed to manufacture fertilizer containing 50,000 tons of nitrogen sufficiently cheap to attract the farmer market and that in order to employ the electric-furnace method for the necessary amount of phosphoric acid 180,000 horsepower will be required in addition to 100,000 horsepower for ammonia through the cyanamide process. This is urged as the reason for building Cove Creek and Dam No. 3, although it is admitted that chemical engineers differ as to the economy of the electric-furnace method compared with the wet method now successfully employed by the Cyanamid Co. Mr. Bell, testifying before the committee, has never stated unqualifiedly that his company will abandon the present method and employ the electric-furnace method for making phosphoric acid for which the 180,000 additional horsepower is demanded in the bill. In the light of testimony before the committee, it is apparent that when it is more profitable to use this enormous amount of power for private industrial purposes instead of using it through the power-using methods for making fertilizer the lessee will turn to the processes requiring the smallest amount of power and thus release for private use large quantities of cheap power for private manufacture without violating any of the terms of the contract.

The following is from the testimony before the committee:

"I see what you mean, and I think that is true. I had not thought of it in that way, * * * but we did want to preserve elasticity, over a period of as long as 50 years, on the question of whether we should operate by the cyanamide process instead of the synthetic process, and contemplating the possibility that we might want the synthetic process there in plant No. 1, we did not guarantee to do it at plant No. 1 (No. 2). I believe you are right. I had not thought of it from that point of view." (Muscle Shoals hearings, Military Committee, 1927, pp. 670–671.)

On the question of using the electric-furnace method, Mr. Bell testified as follows:

"Mr. JOHNSON. If you do not use the electric-furnace method, then there would be another saving of power.

"Mr. JAMES. Then what would you use?

"Mr. BELL. Oh, the present wet method of producing phosphoric acid requires no power, relatively.

"Mr. JOHNSON. In that event, you would have another 180,000 horsepower?

"Mr. BELL. Well, it would not be quite that much, but we will consider it as 180,000 horsepower which we could use for any of those purposes.

"Mr. JAMES. Would you consider a provision by which any saving could be dedicated to fertilizer?

"Mr. BELL. No; I do not want to do that." (Muscle Shoals hearings, Military Committee, 1927, p. 832.)

NO OBLIGATION OR INCENTIVE

There is no obligation to employ the most economical process nor is there any incentive to engage in fertilizer production to the exclusion of manufacturing other products. It is no answer to this assertion by friends of the bill that the lessee can not abandon fertilizer production if it is to its advantage because it would forego the return upon its investments in fertilizer plants since plants for fertilizer production may likewise be employed for manufacturing other chemicals and electrometals which the lessee and its associates propose to manufacture at Muscle Shoals. The contract contains no provision requiring the lessee to employ the nitrate plants or the plants it may construct exclusively for fertilizer production.

3. The lessee will be the exclusive beneficiary of tremendous blocks of power for its private use developed at public expense, free of restrictions and regulations of the water power act and free from taxation by State authorities. This is a subsidy favorable to one corporation engaged in business in competition with other citizens and corporations.

Section G, page 54, invests the lessee with exclusive control of power obtained from the power plants not used in the production of fertilizer or for operation of navigation facilities. It permits the use of power for the production of electrochemicals and electrometals, or for any other private operation by the lessee, by the American Cyanamid Co., or by a subsidiary of either of said companies, and by the Union Carbide Co. While it recites the manner of sale of whatever power the lessee may see fit to sell to the public for general industrial or commercial use, it does not require the lessee to sell any portion of the power for public consumption.

While the lessee indicates a purpose to devote power to the manufacture of products necessary or valuable in national defense, there is no obligation that the power be so used.

The following is from testimony of the president of the company before the Military Committee:

"Mr. JOHNSON. This whole section G, Mr. Bell, of course, applies to the power covering the entire premises, not only at Muscle Shoals but the Cove Creek Dam and Dam No. 3?

"Mr. BELL. Yes.

"Mr. JOHNSON. And the provisions here about distribution for general domestic, industrial, and commercial use, and the provision for entering into contracts for the construction of transmission lines, with that view in mind, only provides the manner in which it should be distributed in case you decide to distribute?

"Mr. BELL. Yes.

"Mr. JOHNSON. But does not compel any distribution?

"Mr. BELL. No." (Muscle Shoals hearings, Military Committee, 1927, p. 841.)

PURPOSE TO USE POWER FOR PRIVATE OPERATION PERMITTED

Representatives of the lessee frankly admit the purpose to engage in the manufacture of various products other than fertilizer. In a letter addressed to the Joint Committee on Muscle Shoals in 1926 the company explained its purpose to build at Muscle Shoals, in event its offer is accepted, industrial operations, but that if the Congress, in accepting its offer to make fertilizer, should "restrict the company's operation in other fields, either as to character or profit, the company will be unable to proceed with the plan above outlined under such restrictions." (H. Doc. No. 980, 69th Cong., 1st sess., p. 174.)

The company stated to the committee that it has already contracted with the Union Carbide Co. to sell to that company not exceeding 50,000 horsepower, at not exceeding $17 per horsepower, for the private use of the Union Carbide Co.

VALUE OF POWER SUBSIDY

In view of the admission to use power for private operation, it is important to know something of the quantity that would pass into the possession of the lessee for half a century and its value. It would have exclusive control of power-generating plants, constructed at Government expense, according to the testimony of Army engineers (Muscle Shoals hearings, Military Committee, 1928, p. 258), or 1,165,000-horsepower capacity. In addition, it would have the power from three additional dams of about 130,000-horsepower capacity constructed at its own expense under the Federal power act, or a total of 1,295,000-horsepower capacity.

According to the report of the Federal Power Commission in 1926, this capacity would be nearly one-half the horsepower capacity then installed in the States of Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Kentucky, and in output of electrical energy would be more than half the total power output at that time from all sources in these six Southern States. Indicating the value of this power, measured by its market price, after deducting the probable amount that would be used for fertilizer production, the Power Commission estimated that the average annual profit to the lessee would be about $7,750,000 annually. (S. Doc. 209, 69th Cong., 2d sess.) By referring to a recent analysis made by officers of the Power Commission (hereto attached as Exhibit A) of rental payments by the lessee under the so-called recapture clauses, an appreciation may be obtained of the tremendous volume of power that would come into possession of the lessee in comparison with the small payments therefor.

VIEWS OF SECRETARY HOOVER ON VALUE OF POWER

Hon. Herbert Hoover, while Secretary of Commerce, stated to the joint committee:

"Now, it is my belief and the belief of men in the Department of Commerce that that plant equipment, as it stands to-day, with the addition of some more generators, is worth to any lessee as a power business a minimum of $2,500,000 a year net to the Government, and with the additional power that will come down automatically as a result of the development of upper river it might be worth a million dollars more." (Joint committee hearings, 1926, pp. 111–112.)

If these values are even approximately correct, which no one has disputed, they expose the extent of the annual subsidy that will be conferred on the lessee, and doubtless furnish the real reason why the committee has been unsuccessful in securing a satisfactory recapture clause which members of the committee earnestly endeavored to obtain based on the simple condition that if the fertilizer program fails the power plants as well as the nitrate plants would promptly revert to the United States.

Subsidized by the Government with this tremendous block of power at a cost less than it can be otherwise purchased or generated, these companies would be able to establish an industrial empire in whatever character of business they chose to engage and for a period of 50 years could defy any form or manner of competition or of State control.

FEDERAL WATER POWER ACT NULLIFIED

The three large water-power plants constructed at the expense of the Government, totaling 1,165,000 installed horsepower capacity, are to be free of any of the regulations or restrictions of the Federal power act. In addition, the company is granted an exclusive license to construct three water-power plants in the State of Tennessee, but without the requirements, imposed on other licensees, to contribute to the owners of storage reservoirs or other headwater improvements for benefits received from such headwater improvements. (Art. U, p. 75.) In addition to the above, the lessee and all subsidiaries or subtenants escape local taxation for all activities which are located on Government reservation, and if expenditures are anywhere near the amount indicated in the hearings will aggregate a large saving in taxation alone. One State, whose Representatives in Congress urged the development at Muscle Shoals with the utmost vigor, and still do, has protested such action, having already instituted a suit in the Court of Claims against the United States in which suit demand is made for $173,000 tax on the sale of power by the Government at Wilson Dam during the calendar year 1926. This becomes exceedingly important when it is considered that many power sites in the State of Tennessee will be affected by this contract and that State has already served notice of its attitude. (Hearings before Military Committee, not printed.)

This exemption from contribution to upstream improvements in favor of the lessee is not only for the term of the lease, but perpetually as to its own properties. The provision in Paragraph U of the cyanimide bill (H. R. 8305) would exempt the subsidiary corporation, which is to be given a license for three power sites on the Tennessee River, from payment to the United States of headwater improvement charges for the period of its license.

Section 15 of the Federal water power act provides for an offer of a new license to the original licensee at the end of the 50-year period if the properties are not recaptured. It provides that the proposed new license shall be on reasonable terms. That would probably make it possible for the licensee to contend that the proposition of headwater charges would be unreasonable and permit him to decline to accept the license offered, in which event the United States would be required to continue the original license in effect from year to year until it offered something satisfactory to the original licensee or found a new applicant for the site, to whom it may issue license. Under these conditions it is probable that there would be no way of compelling the original licensee to pay headwater charges even after the expiration of 50 years.

The United States further agrees to impose the restriction on future dams on the Tennessee River and each of its tributaries, whether built by the United States or by private parties, that their construction and operation will not "materially impair or detract from the full use and enjoyment" by the Air Nitrates Corporation of the water-power plants under its control. (Art. I, p. 59.) However, the contract contains no provision that if by reason of such construction the company is benefited at Muscle Shoals that equitable contribution will be made, although such payment is required of other licensees of the Federal Power Commission.

The meaning and effect of this provision is not altogether clear, but if enacted would undoubtedly require the Federal Power Commission to place this limitation in all future permits on the Tennessee River and its tributaries. It may mean that every future improvement on the Tennessee River and its tributaries must be operated to the satisfaction and for the benefit of the lessee of Muscle Shoals, and that that lessee could control as to when the waters are to be impounded and when they are to be released. If this is the true meaning of the clause, then so far as Congress can legally do so it will have granted to the lessee of Muscle Shoals a monopoly of the entire Tennessee watershed. Inasmuch as hydroelectric development demands large capital investment, capital can not be invested safely in such enterprises if the control of the works is subject to the whim and vagaries of a possible hostile downstream proprietor. What effect would this provision have on water-power development in the territory affected?

4. The contract proposes inadequate payments for power and for valuable properties for private use and private gain, amounting to about 2½ per cent annually without obligation that it will be used for fertilizer manufacture or made available for public service.

Payments proposed by the lease are as follows: For Wilson Dam, 4 per cent per annum on its cost ($47,000,000), less about $17,000,000 (art. A, subsec. 1), and a like rental on the cost of two additional dams and power plants (Dam No. 3, with an installed capacity of 250,000 horsepower, and Cove Creek, with an installed capacity of 200,000 horsepower). The United States is required to build these additional dams and power houses (art. A, subsec. 2, and art. T, subsec. b), at an estimated cost of $43,035,579 for Dam No. 3 and $37,540,643 for Cove Creek, and to spend $8,000,000 for new units at Wilson Dam. The rental to be paid for Wilson Dam for the first six years, with the exception of $200,000 annually, may be deferred by the lessee to the thirty-fifth year and thereafter paid in 15 annual installments. The amount of rental at 4 per cent per annum on the new dams and power plants is limited to $26,500,000 for Dam No. 3 and to $20,000,000 for Cove Creek, only $46,500,000, regardless of the fact their ultimate cost is estimated by Army engineers to be $80,576,222. The bill provides for no rental whatever for the steam power plant at nitrate plant No. 2, which cost over $12,000,000. In event Cove Creek is not built within 10 years, the rental on Dam No. 3, in the nature of a penalty therefor, would be reduced to 2 per cent on $26,500,000 until Cove Creek is completed. These new plants to be built by the United States will approximately double the water-power output at Wilson Dam without obligation on the lessee to pay increased rental therefor.

The lessee agrees to pay the further sums of $35,000 annually in the case of Dam No. 2, of $20,000 annually in the case of Dam No. 3, and of $50,000 annually in the case of Cove Creek for repairs and maintenance. It would also pay approximately $38,000 annually in the case of Dam No. 2, $26,000 annually in the case of Dam No. 3, and $20,000 annually in the case of Cove Creek as a so-called amortization payment which amounts the United States is expected to set apart and compound annually for a period of 100 years for the alleged purpose of amortizing its investment in Muscle Shoals. Mathematically these amortization payments of about $84,000 annually must be continued and compounded each year for 100 years in order to amortize the investment. The lessees agree to pay for 50 years.

INTEREST RETURN ONLY ABOUT 2½ PER CENT PER ANNUM

Under the offer the total investment of the United States will be more than $216,000,000. The present investment in power plants at Muscle Shoals is about $54,500,000. (Muscle Shoals hearings, Military Committee, 1928, p. 258.) The most recent official estimate of the cost of new structures, including navigation facilities, is $43,035,479 for Cove Creek, $37,540,643 for Dam No. 3, and $8,000,000 for new units at Dam No. 2. (H. Doc. No. 185, 70th Cong., 1st sess., pp. 77 and 99.) This amounts to $143,076,232 to be invested in power plants by the Government.

According to an analysis of H. R. 8305 made by Major Coiner, of the office of the Chief of Engineers, on a basis of cost less than the above estimate, the annual return for the use of these properties would be the equivalent of 1 per cent per annum if compounded annually. In the same analysis and on the same basis of cost he reported the annual return on the cost of power projects alone would be the equivalent of only about 2.6 per cent per annum. (Muscle Shoals hearings, Military Committee, 1928, pp. 427–429.)

OFFER TO PAY MORE FOR MUSCLE SHOALS POWER PENDING

That the above payments for power are grossly inadequate and that the estimate of Hon. Herbert Hoover, when Secretary of Commerce, was accurate and reasonable is shown by a recent offer from Power Transmission Co. to the War Department. This offer was submitted in response to a letter from the Secretary of War in July, 1928, requesting to be advised what arrangement could be made under the present temporary situation to increase the revenue from sale of power at Muscle Shoals. For the power output at Wilson Dam and for the right to use the steam plant at nitrate plant No. 2 it proposes a guaranteed minimum of $1,360,000 for the first 16 months, $1,720,000 for the next 12 months, and $2,220,000 for each subsequent year for a period of five years, with adequate bonded security. The contract provides that it may be canceled at any time or any portion of the power may be withdrawn at any time before the expiration of five years upon 18 months' notice in order to afford the purchasers opportunity to provide power in substitution.

These payments, which exceed by $1,000,000 annually the rental proposed by the Air Nitrates Corporation for Muscle Shoals power, are the yardstick by which its value may be accurately measured. Attention is invited to the fact that this is for power at Wilson Dam alone.

LOSS OF PROFIT FROM POWER RELEASED FROM FERTILIZER PRODUCTION NO PENALTY

Emphasis is placed by supporters of the bill on the provision that profits from power released from fertilizer production through sus-

pension must be applied to the credit of fertilizer. Since it is admitted that only a portion of the power will be employed directly in fertilizer production, which is especially true if nonpower-using methods are adopted, it follows that the profit on power released by such suspension will be small and perhaps insufficient to counterbalance interest accruing during such suspension under article 5, paragraph 2, subdivisions (h) and (i).

In this connection it should be remembered that the company declined to incorporate an amendment providing that profits from power not used for fertilizer should be under the control of the Government. The following is taken from the testimony before the Military Committee:

"Mr. JOHNSON. * * * In case you were to begin operations under the cyanamide process, and maybe in 5 years or 10 years would decide that you were going to produce under the synthetic process, if the statements about the power required are true, that would release three-quarters of the power. This lease is undoubtedly drawn from the company's standpoint upon the view you are going to require the power necessary under the cyanamide process. Now, if that contingency should arise, what would be done under the amount of power that would be saved by the use of the synthetic process? Would the profits from that go to the Government?

"Mr. BELL. No; they would not. * * *

"Mr. JOHNSON. Would you have objection to an amendment to that effect?

"Mr. BELL. We would." (Muscle Shoals hearings, Military Committee, 1927, pp. 706–707.)

5. While the United States must agree to spend $88,576,222 additional on Muscle Shoals in order to accept the contract, under the recapture clause it must spend the further sum of $40,000,000 to $50,000,000 more to recover its properties if fertilizer production is suspended because of failure of the lessee to produce it successfully.

INVOLVED RECAPTURE CLAUSE

In order for the United States to accept the contract it must expend large additional sums on Muscle Shoals, estimated at $88,576,222. In order that the Government may recover these valuable properties under the recapture clause it must spend the further sum, $40,000,000 to $50,000,000, according to the testimony of representatives of the lessee, in reimbursement of the investments of the lessee and its tenants and subtenants, including the Union Carbide Co., for whatever amounts that may have been expended for any purpose on additional structures, additions, extensions, and improvements.

The recapture clause provides that in event fertilizer production is suspended "for as much as 18 months in the aggregate during any period of 36 months" but not sooner than 15 years and not then unless the Cove Creek Dam has been built by the United States and turned over to the lessee can the properties be recaptured either in whole or in part.

If production shall suspend for an aggregate of 18 months out of 36, the farmer board "may within 60 days" certify to the Secretary of War that in its opinion "it is reasonably to be expected that the suspension" will be permanent. Whereupon the Secretary of War and the lessee shall each select an arbitrator and a Federal judge shall select a third arbitrator. These arbitrators shall hear the parties and determine "whether or not in their opinion under all the circumstances it is reasonably to be expected that suspension of the commercial production of such concentrated fertilizer by the lessee will be permanent." If they so find they shall certify the fact to the Secretary of War, who in turn will notify the Congress. Whereupon the Congress, by joint resolution, must elect which one of three alternatives it will pursue. Failure of Congress to so elect permits the Secretary of War to make such election. The alternatives are:

1. Abandon the plan of fertilizer production, permit the lessee to retain the properties for private use and collect additional rental, not less than 4 and not more than 5 per cent.

2. Recapture only the nitrate plants upon reimbursing the lessee for whatever investments it has made in additional plants, extensions, and improvements for the manufacture of fertilizer. Should the United States then desire power for future operation of the recaptured nitrate plants it must at that time elect the amount of power, both primary and secondary, it expects to use from the power plants retained by the company for each year for the remaining period of the lease, but not to exceed 100,000 horsepower if Cove Creek has not been built, and not to exceed 200,000 horsepower if Cove Creek has been built. The United States must pay until the expiration of the lease the lessee's cost of generation for such power it engaged, whether delivery of the same is actually taken or not. (Muscle Shoals hearings, 1929, p. 68.)

3. Recapture the entire properties by paying "the lessee and each of its subtenants the amount of the actual investment of the lessee and its subtenants" theretofore expended in plants, buildings, machinery, extensions, etc., of every character, whether for fertilizer production or for private use located on the leased properties.

The very lengthy and involved recapture provisions by which the United States may secure either a small increased rental or repossess Muscle Shoals, either in whole or in part, in case of an alleged permanent suspension of fertilizer production, comprising 15 pages of the bill, resolve every contingency in favor of the lessee. In effecting either of these alternatives the adjustments are indeterminate and subject to the rulings of a board of arbitrators and the benefits which would accrue to the United States are very doubtful. One provision illustrates how the interest of the lessee is carefully guarded. Under the additional rental alternative the lessee may at any time, in its discretion, restore the contract by resuming fertilizer production. The effect of this provision is to preclude the United States from making other disposition of the nitrate or fertilizer plants though standing idle. Furthermore the United States must assume the difficult burden of convincing the arbitrators that "under all the circumstances it is reasonably to be expected" that the suspension will be permanent before it can exercise either of the three recapture alternatives. While the bill recites that the finding of the arbitration board may be certified by two members, the section is not clear that the findings must not be concurred in by all three (p. 23, line 22, to p. 24, line 7).

The attention of Members of the House is directed to the recapture clause (beginning at p. 21) by which the Congress of the United States, the Secretary of War, and members of the Judiciary, including members of the United States Supreme Court, are required to comply with a maze of specific detailed conditions, each within stated limitations of time, in order that the United States may protect its property rights. It is submitted that this unprecedented procedure required of the United States is beneath the dignity of the sovereign.

In so far as the recapture of the nitrate plants in time of war is concerned (art. E, subsection 3, p. 15), the attention of the House is invited to the fact that under the decision of the courts the term "just and reasonable compensation" includes the enhancement due to war conditions, and therefore this clause is susceptible of meaning that if the Government did take this property for war purposes that the lessee would be entitled to remuneration for the enhancement in the price of nitrogen caused by the war condition.

While the United States was building the plant at Nitro, some worthless farm land was purchased for less than a thousand dollars. The purchaser contemplated building bungalows to accommodate the workers for the plant. Before any real development work had been done, the farm was taken over and made a part of the Nitro project. The purchaser recovered $100,000 damages as "just and reasonable compensation." (5 Fed. 2d 99.)

That the market value with the enhancement caused by war conditions is the guide is shown in United States *v.* New River Collieries Co. (276 Fed. 690; affirmed 262 U. S. 341); Dester & Carpenter *v.* Davis (281 Fed. 385); Prince Line (Ltd.) *v.* United States (283 Fed. 535).

PLAN FOR DISPOSITION OF MUSCLE SHOALS RECOMMENDED

It is the view of the chairman of the committee that the property at Muscle Shoals should be turned over as it stands to the Agricultural Department with authority to use the property as an experimental station for the development of processes and for experimental operation of plants in the manufacture of nitrates for war-time use or for fertilizer by the most economical method. That the result of these experiments be made known to the public and to citizens of this country engaged in the manufacture of fertilizers for production by private initiative. In addition, provision should be made for practical experiments in the use of fertilizer at experimental farms throughout the country where the farmer could learn at first hand how to use these fertilizers, manufactured as the result of the processes developed by the experiments at Muscle Shoals.

As for the power developed at the existing plants, a sufficient quantity should be allocated for use for the purposes stated above and the remainder sold or leased under contracts that will secure the maximum return to the Government from the sale of such power.

If this plan is followed, the Government will comply with the provisions of the national defense act by maintaining the plants in satisfactory condition for immediate use in time of emergency, will help the farmer not only in securing needed fertilizers but teach him the use of the same to the best advantage, and make possible the Government assisting in the building up of a standard industry by its citizens.

The following bill, proposed by the chairman of the committee, if enacted into law, will accomplish these results:

A bill to safeguard national defense; to authorize, in aid of agriculture, research, experiments, and demonstration in methods of manufacture and production of nitrates and ingredients comprising concentrated fertilizer and its use on farms, and for other purposes

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and directed to construct, maintain, and operate, or cause to be constructed, maintained, and operated, experimental plants of modern type and design on the property of the United States at Muscle Shoals, Ala., and in his discretion at other places in the United States, suitable for the manufacture of nitrates and other fertilizers with a view to promoting production of concentrated fertilizer, to lessening its cost to consumers, and to providing additional facilities for the manufacture of explosives or other munitions of war in periods of emergency.

That the Secretary of Agriculture, for the purposes of this act, may take over plant No. 1 at Muscle Shoals, together with such buildings, equipment, material, or other properties either at plant No. 1 or plant No. 2 necessary for the construction, maintenance, and operation of such a plant.

SEC. 2. That the Secretary of War is hereby authorized to lease for not to exceed 20 years the power-generating properties of the United States at Muscle Shoals, Ala., including the steam power plant at nitrate plant No. 2. In event the Secretary of War is unable to secure a satisfactory lessee within a reasonable time, he is authorized to operate the said power plants and to contract for the sale of power for a period not to exceed 20 years: *Provided*, That in a lease or in a contract for sale of power reasonable provision shall be made for taking over by the United States when in the opinion of the President the national welfare or safety requires.

That in any lease hereunder, or in a contract for sale of power, it shall be the purpose to secure the largest reasonable net return with due regard for the purposes of this act, but not less than 4 per cent per annum of the reasonable value of the properties so used, and, as near as may be, to secure equitable allocation of Muscle Shoals power between local industrial developments and distribution, under adequate public regulation to sections within transmission or relay distance of the plants. Such leases or contracts for sale of power shall provide that upon reasonable notice the United States may, at any time after the expiration of 10 years, cancel any contract for sale of power or recapture the leased property, and, in the event the United States exercises such right, it shall pay to the lessee the reasonable value of any improvements which may be made by the lessee with the approval of the Secretary of War. If not recaptured or the contract canceled, such lease or contract shall provide for readjustment of charges at the end of each 10-year period. In the disposition of power or power facilities adequate provision shall be made for necessary power for use by the Secretary of Agriculture for the purposes of this act and for lighting and operation of locks and dams or other facilities maintained or used by the United States at Muscle Shoals.

SEC. 3. That the Secretary of War is authorized to lease or sell nitrate plant No. 2 or such portions thereof as may not be needed for the purposes of this act.

SEC. 4. That the money received for lease of such plants or for sale of power under this act, less the expense of operation, maintenance, and upkeep, shall be paid into the Treasury of the United States as a special fund, until otherwise directed by Congress, for use by the Secretary of Agriculture, as the same shall be annually appropriated by Congress, for scientific research, investigation, experimentation in improving fertilizers, fertilizer practice, and soil management, including experimental operation of plants in cheapening fertilizer production and its sale, distribution, and demonstration use on farms in different sections of the United States, it being the purpose of this act to provide for investigations and experiments to determine the most practical and economical methods for the commercial production, distribution, and use of high-grade concentrated fertilizers and other soil amendments and their relation to soil management, in order that the most modern developments in relation to the fixation of nitrogen and the production of other fertilizer ingredients and chemicals or other products useful for national defense and fertilizer shall be made available to the people of the United States for such purposes.

It shall be the duty of the Secretary of Agriculture to so regulate the price and distribution of the products sold from plants experimentally operated for use as fertilizer that the farmer may obtain the same at the lowest net cost but, if possible, for an amount sufficient to pay the cost of production, including a reasonable interest return on amounts invested in plants and equipment constructed from the special revenue fund herein created.

SEC. 5. That for the purposes of this act the Secretary of Agriculture may, in his discretion, engage the services and facilities of skilled, unskilled, and scientific experts or persons, firms, companies, or corporations experienced in the production or marketing of fertilizer or fertilizer ingredients or other similar products, and may utilize the various agencies of the Department of Agriculture, in cooperation with such private agencies as he may approve, and also may detail for the purpose expert personnel or other employees of the Department of Agriculture.

SEC. 6. That the sum of $2,000,000, or so much thereof as may be necessary, not otherwise appropriated, is hereby authorized to be appropriated for the purposes of this act from the Treasury of the United States, to be returned to the Treasury from the special fund herein provided for: *Provided*, That said appropriations shall not become available to the Secretary of Agriculture until the Secretary of War shall have certified to the Treasurer of the United States that a lease or a contract as herein provided has been made and guaranteed by a surety bond.

SEC. 7. That the Secretary of Agriculture and the Secretary of War shall each submit annual reports to Congress of operations and results obtained and of receipts and disbursements.

SEC. 8. That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed.

APPENDIX

MEMORANDUM ON PROPOSED "RECAPTURE ALTERNATIVES"

(As set out in letter of American Cyanamid Co. of January 19, 1929, to chairman House Committee on Military Affairs. By O. C. Merrill, secretary Federal Power Commission)

Under the provisions of article F the lessee proposes to produce fertilizers at nitrate plant No. 2 and/or at nitrate plant No. 1 and/or at other plants near by which the lessee may construct at its option, such fertilizers to contain at least 40 per cent of plant food in form of ammonia, phosphoric acid, or potash. Production is to commence at plant No. 2 by the cyanamide process, and the lessee agrees that within two years it will—

(1) Make such alterations in said plant as it may find necessary.

(2) Build on Government land a phosphoric acid and an ammonium phosphate plant to produce—

(3) Concentrated fertilizer containing 10,000 tons fixed nitrogen and 40,000 tons plant food.

The first fertilizer unit is to be operated to full capacity not later than the third year of lease. When, thereafter, the lessee succeeds in selling approximately the full output of such unit at cost plus 8 per cent for three successive years, it will on request of farmer board place a second unit of same capacity in operation.

Under the same conditions the lessee will place a third unit into operation if meantime the Government has constructed and delivered to the lessee the Cove Creek Dam and power plant.

Under the same conditions as immediately above the lessee will place a fourth unit in operation and likewise a fifth.

All of the above proposals are limited by the proviso that no production shall be required so long as fertilizers containing an aggregate of 2,500 tons of fixed nitrogen remain unsold.

If fertilizer production is suspended, any profit from the sale of power made available by such suspension is to be credited to the cost of fertilizer production; such credit, however, is not to be made if the lessee pays additional rental under alternative (A) hereinafter discussed.

The above are provisions of paragraph (1) of article F of H. R. 8305. Beginning with the words "*Provided, however,*" on the third line from the bottom of page 5 of American Cyanamid Co.'s letter are 13 pages of new matter proposed to be added to paragraph (1) of article F and which would be inserted at the end of the first paragraph of page 20 of the House print of H. R. 8305. The added language covers three proposed alternatives, which are to be available to the United States in event of permanent suspension of fertilizer production by the lessee. These are:

(A) Additional rental alternative; (B) fertilizer recapture alternative; (C) total recapture alternative; and are subject to the conditions and limitations prescribed, to become effective for acceptance by the United States if the production of concentrated fertilizer is suspended for as much as 18 months in any consecutive 36 months' period. None of these alternatives becomes effective, however—

(a) Unless Cove Creek Dam and power house are built by the United States and delivered to the lessee; or

(b) Unless the United States Supreme Court shall forbid its construction as without constitutional authority; and

(c) Until 15 years after delivery to the lessee of all existing Government property at and in the vicinity of Muscle Shoals, consisting (with minor exceptions) of the following:

	Cost
Nitrate plant No. 1	$12,888,000
Nitrate plant No. 2	55,229,000
Steam plant	12,326,000
Waco quarry, etc	1,273,000
Dam No. 2 (excluding locks)	43,388,000
Total cost to date	125,104,000

(d) Unless a majority of the President's appointees on the farmer board shall, within 60 days after the expiration of such 36 months' period, file a certificate with the Secretary of War that it is their opinion that the suspension of commercial production will be permanent; and if they so find;

(e) Unless a board of arbitration after hearing shall likewise reach the conclusion that such suspension will be permanent; and

(f) If (b), (c), and (d), together with either (a) or (b), are fulfilled, until 60 days after the next succeeding adjournment of a session of Congress.

Selection of an alternative must be on certificate of the Secretary of War and must be served on the lessee within the last-named 60-day period.

ALTERNATIVE (A)

The "additional rental alternative" provides for payment to the United States annually of an amount to be determined by a board of arbitration as "the fair annual rental value of the demised premises, less all sums provided by other provisions of lease to be paid by the lessee as rental," such "fair annual rental value" in no event to be less than 4 per cent or more than 5 per cent of the following:

(1) The cost, less $16,282,000, of Dam No. 2, power plant and accessories, locks, and navigation facilities.

(2) The cost, less $6,000,000, of Dam No. 3, power plant and accessories, locks, and navigation facilities.

(3) The cost, but not exceeding $20,000,000, of the Cove Creek project less locks and navigation facilities.

The estimated costs and the amounts upon which the original and the additional rentals would be paid are as follows:

	Estimated cost completed without locks	Amount on which rental to be paid	Difference
	1	2	3
Dam No. 2	$51,673,000	$40,306,000	$11,367,000
Dam No. 3	34,875,000	30,875,000	4,000,000
Cove Creek	34,140,000	20,000,000	14,140,000
Total	120,688,000	91,181,000	29,507,000

Upon the items specified immediately above the lessee is required by the existing provisions of H. R. 8305 to pay (subject to certain deferments during the early years of the lease) annual rentals of 4 per cent. Alternative (A) would, therefore, in return for a further payment by the lessee of not to exceed 1 per cent upon the amount above listed in column 2, free the lessee from any further obligation to produce fertilizer, and would leave it in possession of the entire power and nitrate properties, with no restrictions whatever upon its right to use all the power developed for any purpose it might choose.

Since the original plus additional rentals under alternative (A) are not to exceed 5 per cent on the items in column 2, and since such payments would be less than 4 per cent of the items in column 1 which represent the actual cost of the hydroelectric properties without locks or navigation facilities, and since no rental at all is to be paid for the $12,326,000 invested in the steam plant (or for the $69,390,000 invested in nitrate properties), the maximum rentals that would be payable in any year with alternative (A) in effect would be less than 3¼ per cent on the actual cost to the United States of the power properties alone without locks or other navigation facilities; and the maximum "additional rentals" would amount to slightly more than two-thirds of 1 per cent upon the entire power properties.

Since the total rental payments under alternative (A) for the use of the power properties would be from 2 to 3 per cent less per annum than the company would have to pay for interest alone had it built the properties at its own expense, the use of the words "the fair annual rental value of the demised properties" can hardly be deemed to have any real meaning.

The additional rentals are not to begin to accrue until 30 days after the certificate of the Secretary of War. Since the long-drawn-out procedure for determining whether any one of the alternatives may be exercised might readily be prolonged for two or three years, during which time the lessee would have the option of electing to resume operations, and thereby effecting a stay to all proceedings, and since if resumption of production should again cease the proceedings would have to be started anew, it would appear possible for the lessee by alternately resuming and ceasing production to maintain its original status with only intermittent production. Since, however, the additional payments, which would not exceed $1,000,000 per annum, would secure the release to the lessee of several hundred million kilowatt-hours of energy otherwise obligated for fertilizer production and would relieve the lessee of all subsequent liabilities for fertilizer production, the exercise of this alternative by the Secretary of War would, unless fertilizer production and sale should be profitable of itself, appear to be distinctly advantageous to the lessee.

While the language covering the right to resume operations and to stay proceedings is written into the paragraphs covering alternative (A), it is not clear from the general language used that it might not likewise be held to apply to the other alternatives.

ALTERNATIVE (B)

Fertilizer recapture: If the Secretary of War elects alternative (B), provision is made for the selection of a firm of certified public accountants who will—

(a) Make an inventory of all properties built or acquired by the lessee for the production or shipment of fertilizers.

(b) Determine the investment of the lessee in such properties.

(c) Determine how much depreciation on such properties has been charged to the cost of fertilizer production.

(d) File with the Secretary of War certificate showing such investment less such depreciation.

In order for action under this alternative to be effected the United States must make payment "in cash" of the amount so certified within 90 days of the filing of the certificate. While it is not definitely so stated it would appear that failure to make this payment within the 90 days would void not only alternative (B) but would also make any other action by the Government impossible. To make such payment for the properties would, of course, require an appropriation by Congress. Ninety days might be a short time for action even if Congress were in session and if it were not in session might make any action impossible.

If purchase of the nitrate properties of the lessees is effected, the lessee is obligated to sell to the United States such amount of power, up to specified limits, as may be requested by the Secretary of War within the same 90 days after filing of inventory.

If Cove Creek has been built and delivered to the lessee the maximum amount that the Secretary may demand is 200,000 horsepower-years; otherwise the maximum is 100,000 horsepower-years. The amount that the lessee is obligated to deliver, whether of primary or of secondary power, must, when original demand is made, be specified for each year of the unexpired term of the lease, can not be changed thereafter, and must be paid for whether used or not. That is, if the alternative should be exercised at the end of the 15 years, the Secretary would be required to contract for specific amounts of electric energy for each of the succeeding 35 years of the lease, could get no more in any year than as originally specified, and would have to pay each year for the amount thus contracted for, even though fertilizer production might have been abandoned.

The price to be paid by the Secretary is "the cost of such power, computed as provided in subdivision (2) of this article F." Such cost prorated to the amount of power purchased is to include with respect to the entire power properties:

(a) All expenses of administration.

(b) All rentals.

(c) All payments, or expenses, paid or accrued, by the lessee for (1) maintenance and operation of dam, power houses, locks, and other navigation facilities; (2) interest, if any, on Government's investment in power and navigation properties; (3) amortization, if any, of same properties.

(d) Contributions of power for operation of locks.

(e) Interest on lessee's investment in power properties.

(f) Amortization of the same.

(g) Depreciation upon the same.

(h) Cost of production of steam power to supplement hydro power.

(i) Cost of maintaining auxiliary steam plants in stand-by conditions.

(j) Cost of any power purchased to supplement hydro power.

(k) Any other items which have been overlooked, or can not be included, in (a) to (j), inclusive.

The estimated average annual output of Dams Nos. 2 and 3 when completed and with the steam plant increased to 120,000 horsepower of installation and used only as an auxiliary is 3,550,000,000 kilowatt-hours. With Cove Creek added the estimated average annual output is 4,490,000,000 kilowatt-hours. The maximum amount which the Secretary of War may demand under alternative (B), if Cove Creek is not built, is 100,000 horsepower-years, which is equivalent to 653,500,000 kilowatt-hours, or only 18½ per cent of the average annual energy available. The maximum amount which the Secretary may demand if Cove Creek is built is 200,000 horsepower-years, equivalent to 1,307,000,000 kilowatt-hours, or 29 per cent of the average annual energy available. Under alternative (B), therefore, the lessee would be fully recompensed for (a) all investments made in nitrate properties; and (b) the entire cost of power delivered, or contracted and not delivered, to the Secretary of War; it would be relieved of any further responsibility for nitrate production; and, for the payment of rentals averaging less than 3 per cent on the Government's investment in the power properties, and with an investment of its own in such properties of some $5,400,000, would have complete possession of such properties and would have left for its own unrestricted use 2,896,500,000 kilowatt-hours per annum, if Cove Creek is not built and 3,183,000,000 kilowatt-hours per annum, if Cove Creek is built, all at an estimated average cost of less than 2 mills per kilowatt-hour.

Unless fertilizer production and sale would be of itself a profitable undertaking, the exercise of this alternative by the United States would appear to be distinctly advantageous to the lessee.

ALTERNATIVE (C)

Total recapture alternative: As indicated by the provisions of article 6 and of paragraph (3) of article H of H. R. 8305, it is the intention that the lessee will use or sell power not required by it in fertilizer production for electrochemical or other manufacturing operations, such operations to be conducted by the lessee or by allied or subsidiary corporations, or subtenants; and that the manufacturing plants for such purposes will be located on the "leased premises."

By the provisions of alternative (C) it will be necessary for the United States, if it wishes to secure possession of its own plants and properties, not only to recompense the lessee for all capital costs less depreciation incurred by it for any purposes in connection with the power and nitrate plants, but also to purchase at cost less depreciation all manufacturing plants and equipment placed on the "leased premises" by the lessee, by its allied or subsidiary corporations, or by its subtenants, all community or service plants, and all structures or improvements of every kind and character, regardless of their value or lack of value to the United States.

Since no alternative proposal is made that in case of total recapture the United States may continue to supply the power by means of which such manufacturing plants might continue in operation, it must be

assumed that the requirement of purchase of all such properties by the United States as a condition of recapture of its own properties is intended to prevent, as it would in fact prevent, the exercise of alternative (C) by the Secretary of War.

As in the case of alternative (B) elaborate machinery is provided for determining the amount to be paid by the United States in event of recapture, and only 90 days is allowed after the date of determination for action by Congress, and for the payment "in cash" of the amount involved. Under all the circumstances it is believed that alternative (C) must be ruled out as of no practical value or effect.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On February 23, 1929:

H. R. 11469. An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.;

H. R. 11510. An act for the relief of Montana State College;

H. R. 12809. An act to permit the United States to be made a party defendant in a certain case;

H. R. 13199. An act authorizing the payment to the State of Oklahoma the sum of $4,955.36 in settlement for rent for United States Veterans' Hospital No. 90, at Muskogee, Okla.;

H. R. 13692. An act authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims;

H. R. 8901. An act to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes";

H. R. 9737. An act for the relief of Herman C. Davis;

H. R. 11064. An act for the relief of F. Stanley Millichamp;

H. R. 13251. An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes; and

H. J. Res. 418. Joint resolution to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies.

On February 25, 1929:

H. R. 11616. An act to authorize alterations and repairs to certain naval vessels;

H. R. 16422. An act making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 13582. An act to authorize and direct the Secretary of the Interior to convey title to Lucie Scarbarough for section 29, township 26 south, range 37 east, New Mexico principal meridian, upon the payment to the Government of $1.25 per acre; and

H. R. 13825. An act to authorize appropriations for construction at military posts, and for other purposes.

On February 26, 1929:

H. J. Res. 135. Joint resolution for the relief of special disbursing agents of the Alaska Railroad;

H. R. 924. An act for the relief of Joe D. Donisi;

H. R. 4084. An act for the relief of the persons suffering loss on account of the Lawton, Okla., fire, 1917;

H. R. 7452. An act for the erection of a tablet or marker to be placed at some suitable point between Hartwell, Ga., and Alfords Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart;

H. R. 10191. An act for the relief of G. J. Bell.

H. R. 10304. An act authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes;

H. R. 11385. An act for the relief of Dr. Andrew J. Baker;

H. R. 14153. An act to authorize an additional appropriation of $150,000 for construction of a hospital annex at Marion Branch;

H. R. 14466. An act to provide for the sale of the old post-office property at Birmingham, Ala.;

H. R. 16568. An act to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service;

H. J. Res. 425. Joint resolution providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York;

H. R. 8551. An act to create an additional judge in the district of South Dakota;

H. R. 9200. An act to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York;

H. R. 9659. An act for the relief of F. R. Barthold;

H. R. 10374. An act authorizing the acquisition of land and water rights for forest-tree nurseries;

H. R. 11285. An act to establish Federal prison camps;

H. R. 12811. An act to provide for the appointment of one additional district judge for the eastern and western districts of South Carolina;

H. R. 15849. An act authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.;

H. R. 15918. An act to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes";

H. R. 16270. An act to revise and reenact the act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924;

H. R. 16306. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Oil City, Venango County, Pa.;

H. R. 16524. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Va.;

H. R. 16920. An act authorizing E. T. Franks, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.; and

H. R. 17024. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.

On February 27, 1929:

H. R. 14924. An act to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes.

OUACHITA NATIONAL PARK, ARK.

Mr. HILL of Washington. Mr. Speaker, by direction of the Committee on the Public Lands, I ask unanimous consent to take from the Speaker's table the bill S. 675 and pass it, a similar House bill being on the House Calendar.

The SPEAKER. The gentleman from Washington calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 675) to establish the Ouachita National Park in the State of Arkansas.

Mr. COLTON. Mr. Speaker, I make the point of order that this is not a privileged matter. The bill is not properly on the House Calendar; that is, the bill reported by the Public Lands Committee is not properly upon the House Calendar.

I am sure, Mr. Speaker, that you are acquainted with the provisions of paragraph 729 of the House Manual, which provides that a bill that appropriates either money or property of the United States directly or indirectly should be upon the Union Calendar. The only question, then, is: Does this bill appropriate either money or property of the United States?

The Chair will bear in mind that that appropriation may be made either directly or indirectly. I call the attention of the Chair to the provisions of the House bill on two points. I am referring now to the bill H. R. 5729, which reads as follows:

That there is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated, set apart, and established as a public park for the benefit and enjoyment of the people, under the name of the Ouachita National Park, the tract of land in the State of Arkansas particularly described by and included within metes and bounds as follows, to wit:

Now, Mr. Speaker, it may sound academic to define the word "appropriated," but it means to set apart for a particular purpose, to the exclusion of other purposes. In express terms this bill does that. In this particular case the lands are now embraced within a forest reserve. They are, in other words, liquid assets of the United States, where the timber may be sold and the lands used for commercial purposes. This sets them apart as exclusive for a particular use, and comes squarely, in my judgment, within the definition of the word "appropriated."

But, Mr. Speaker, there is an even stronger point than the one to which I have referred. If you will notice, section 3 of the bill refers in express terms to the act of August 25,

1916, which is the basic act for the creation of the national-park system.

Now, it is a well-known rule of statutory construction that if one law in express terms refers to another law and makes the provisions of the first statute apply to the second one, the two must be construed together.

In this particular case the bill now on the calendar and up for consideration expressly refers to the general act creating the park system and makes the provisions of that general act applicable to this bill, and, therefore, the two must be construed together. The act of August 25, 1916, which is expressly made a part of this act, authorizes the Secretary of the Interior to employ whatever help he needs in the administration of a park. In other words, it is a general authorization act for the use of money, and the bill under consideration places the administration of this park under the direction of the Secretary of the Interior. The act of August 25, 1916, confers upon the Secretary of the Interior the right to incur necessary expenses in the administration of the act, to employ help, to sell timber, to remove timber, and do whatever is necessary for the proper administration of a park.

This bill is bottomed upon that one. This act, if enacted into law, could only be construed in conjunction with the general authorization act and is clearly, Mr. Speaker, an act appropriating property and money of the United States.

For the reason that the bill appropriates and sets apart exclusively a great area of land now belonging to the United States, it not only indirectly but directly appropriates property of the United States. Moreover, by making direct reference to the act which authorizes the use of money, it appropriates money indirectly to be used by the Secretary of the Interior; and because it does appropriate property and money of the United States, it should be upon the Union Calendar and not upon the House Calendar.

I take it the Speaker is, of course, bound by the decisions of the House which have heretofore been made. I am not unmindful that the House on a bill somewhat similar to this overruled the Speaker, but the Speaker will recall that it was contended in that case by those who disagreed with the position the Speaker took that the appropriating words must appear upon the face of the bill. I call the attention of the Speaker to the difference between that ruling and the measure now before the House for consideration. This bill in express language does refer to and makes a part of it another act, which is clearly an authorization for an appropriation, so it is a direct authorization for an appropriation in this case in express terms; and, as I have pointed out, the act before the Speaker is bottomed upon an act that no one would question should be on the Union Calendar if it were before the House in the first instance.

For these reasons I submit that the point is well taken, that this is not a privileged matter, and this bill should be upon the Union Calendar and not upon the House Calendar.

Mr. GARRETT of Tennessee. Mr. Speaker, this is, of course, not a new question, but it has arisen upon what I suppose is insisted to be a new state of facts. I respectfully submit to the Chair that under the precedents fixed both by the rulings of Speakers and in one case at least by the House itself, the real test of parliamentary legitimacy is whether the bill upon its face shows an expenditure of public funds or a disposition of public properties other than a mere transfer from one jurisdiction to another.

The first suggestion offered by the gentleman from Utah, it seems to me, is not well taken, namely, that this is improperly on the House Calendar because of the fact that the Senate bill, similar precisely, as I understand, to the House bill as amended, transfers certain lands from the Forestry Service to the Park Service. That, Mr. Speaker, is merely a transfer from one department of the Government to another of property which the Government already owns and is not a disposition of public property in the sense contemplated by the rule.

Mr. COLTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. COLTON. The point went further than that. I maintain that it sets apart for an exclusive purpose lands that are now subject to disposal.

Mr. GARRETT of Tennessee. Well, I do not understand that forestry lands are subject to disposal. The gentleman says the timber can be sold from them. That is the extent of it, is it not?

Mr. COLTON. Oh, no; homesteads may be made upon forest reserves and mineral locations may be made.

Mr. GARRETT of Tennessee. Oh, well, that would not affect the fundamental proposition involved here. If the Congress sees fit prior to any homestead having been set apart to transfer these lands now belonging to the Government, with all their appurtenances, from one department of the Government to another, I do not think the rule would apply as insisted by the gentleman from Utah.

Now, as to the second suggestion offered by the gentleman from Utah, directing attention to the section of the bill specifically referring to the provisions of the act of August 25, 1916, I think there is a ruling directly in point which is adverse to that contention. On the 24th of August, 1921, a bill was called up by Mr. Sinnott to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes.

The gentleman from Massachusetts, Mr. Walsh—who will be remembered as one of the excellent parliamentarians of the House, but on this occasion proved to be wrong—made the point of order that that bill was improperly on the House Calendar and stated that it appeared upon its face to be a charge upon the Treasury. Then he proceeded to argue that the taking of additional lands would necessarily, by inference, increase the expense of the maintenance of the park. Mr. Speaker GILLETT made a very brief ruling, as follows:

> The Chair thinks that ceding lands to the Government is not a charge on the Government. The Chair overrules the point of order.

Now, the point is, Mr. Speaker—and it was not fully covered by the ruling of Mr. Speaker GILLETT—that the argument there made was that while in that bill there was no specific reference to the general park act by date, yet lands ceded and becoming a part of a park or, I mean, lands acquired in any way and becoming a part of a park, pass, for administration purposes, under the park act and add to the maintenance expense. That was the gravamen of the argument of the gentleman from Massachusetts, and I respectfully submit that that case is in principle precisely on all fours with the case at bar.

Mr. COLTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. COLTON. I call the attention of the Speaker and the gentleman from Tennessee to this distinction. In this case the express reference is made to the general act creating the Park Service, and that act expressly authorizes the incurring of expenses. So it is not altogether a question of land involved; it is a question of the act authorizing expenditures, and that act made a part of this act by express reference.

Mr. GARRETT of Tennessee. I think, Mr. Speaker, that the fact that a specific reference is made to the act does not distinguish it in principle from a bill which we all know, without any specific reference, would bring a particular parcel under the jurisdiction of the parks in the national park system.

This was a ruling by the Chair. I can quote older rulings. I know the Chair is familiar with them.

Hind's Precedents, volume 4, paragraph 4809:

> A bill which might involve a charge upon the Government that does not necessarily do so, need not go to the calendar of a Committee of the Whole.

Again, section 4810:

> A bill that may incidentally involve expense to the Government, but does not require it, is not subject to the point of order that it must be considered in Committee of the Whole.

Paragraph 4811:

> To require consideration in Committee of the Whole a bill must show on its face that it involves an expenditure of money, property, and so forth.

Paragraph 4818:

> Where the expenditure is a mere matter of speculation, the rule requiring consideration in Committee of the Whole does not apply.

These are all rulings by different Speakers of the House, but there is a ruling by the House itself. On January 6, 1927, this question arose upon a bridge bill in which it was proposed to add the heads of two departments other than the War Department to the commission to take some action relative to a bridge out in Oregon or Washington, or somewhere in that section. The gentleman from Oregon, Mr. Sinnott, made the point of order that that bill was not on the proper calendar. It was debated at some length. The Chair made a ruling to the effect that the Chair would take judicial knowledge, so to speak, of the fact that expenses might be engendered by the addition of these two officials in the way in which they were brought into the program by that bill—I do not recall now just how it was—and so sustained the point of order after there had been a very good tempered and a very elaborate argument here before a very full House, as I now remember. Thereupon an appeal was respectfully taken from the decision of the Chair and the House in as quiet a moment as I have ever known it to be in and with

as large an attendance as I have ever known it to have in passing upon a point of order, failed to sustain the decision of the Chair.

I think this is thoroughly analogous in principle to the case now before the Chair, and I respectfully submit that the point of order is not well taken.

Mr. CRAMTON. Mr. Speaker, the gentleman from Utah [Mr. COLTON] has presented an argument in support of his point of order that covers the ground so well that I have not in mind to take more than a couple of minutes on the matter. But I do feel it is a matter of so much importance that the fundamental principles underlying the rules ought to be emphasized.

First, I would like to raise this question as to the precedent——

Mr. GARRETT of Tennessee. Will the gentleman yield just a moment?

Mr. CRAMTON. Yes.

Mr. GARRETT of Tennessee. I want to call attention to one other case. When the Shenandoah National Park bill was brought in—I have not the page of the RECORD before me—the very argument was made then that has been made by the gentleman from Utah now.

Mr. CRAMTON. Was a point of order raised on that bill?

Mr. GARRETT of Tennessee. Yes; the point of order was made, but let me say, in fairness, that the Chair did not pass upon the merits of that question. The Chair held that the point of order came too late, so that he did not rule upon that precise matter, but the argument was made then just as it is being made now.

Mr. CRAMTON. As to the precedent cited by the gentleman from Tennessee with reference to the Hot Springs National Park, as I caught the reading of the title of that bill, it was a bill to accept the cession of exclusive jurisdiction over the park.

Now, Mr. Speaker, that is an entirely different question from a bill accepting cession of lands within a park.

Mr. GARRETT of Tennessee. If the gentleman will permit, he is in error about that. It was to accept lands that were within a park.

Mr. CRAMTON. The gentleman, when he read the title of the bill, referred to acceptance of a cession of exclusive jurisdiction.

Mr. GARRETT of Tennessee. It was to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park.

Mr. CRAMTON. Mr. Speaker, that is not a cession of lands at all. The lands did not come from the State of Arkansas, but, in accordance with the practice in many parks, the State cedes jurisdiction over them. That is not ownership that they are ceding. It is simply the right to administer law over that area.

The Supreme Court of the United States within the week has made a decision with reference to such cession of jurisdiction, and the precedent cited by the gentleman from Tennessee, of course, would have no weight because it does not apply to a kindred proposition. The ceding of title to lands is entirely different from the cession of jurisdiction of a State to administer laws over a certain area.

What I want to emphasize is this: The rule says that we must go into Committee of the Whole House on the state of the Union—for that purpose the bill goes to the Union Calendar—"on bills raising revenue, general appropriation bills, and bills of a public character, directly or indirectly appropriating money or property."

The purpose of that is that we will not lightly impose taxes upon the people or take money or property of the Government and devote it to any particular purpose without giving the representatives of the people gathered here an opportunity to scrutinize that proposed expenditure and make sure of its wisdom. Hence we are required to consider it in Committee of the Whole, where you have debate, discussion, and opportunity for amendment. When it comes up on the House Calendar that opportunity does not exist. I want to urge on the Speaker the fundamental importance of not restricting that public protection of the Public Treasury.

Now, there have been unfortunate decisions—the one referred to as the Bridge case. The argument of the gentleman from Tennessee carried out to its length would mean that the Speaker must cease to have any knowledge of anything except to read some words in the bill. I do not admit that the House accepted that view, but when the House does accept that view, when we get to the point where a bill may go through here at a whirlwind speed without going to the Union Calendar that does mean a great expenditure from the Public Treasury, and does not say in so many words on the face of it that there is going to be an expenditure—in other words, when it gets so that the Speaker can not take notice of that which is really apparent from it, although not expressly stated, then we have lessened the safeguards of the Treasury.

This bill, if it becomes law, does not become effective until the private lands are ceded to the Federal Government. However much there is of the public land does not appear on the face of the bill, but the Speaker knows that we are not now administering these private lands. The Speaker knows from the face of the bill that this bill does not become effective until the lands are ceded to us. The Speaker knows from section 2 that when the private lands are ceded to the Federal Government, that the administrative protection and promotion of those lands become a responsibility and a financial obligation of the Federal Government.

There is no such financial obligation now as to these private lands. There is that financial obligation under this bill when the law becomes effective. Therefore it does show on the face of it that it is indirectly an appropriation of public funds, and if we are to properly safeguard the Treasury there needs to be a construction of this rule that will make it effective. Under such a construction of the rule it seems to me that the point of order is well taken. On the other hand, the doctrine that has been urged by the gentleman from Tennessee, if that becomes the parliamentary law of this body, then it will become very necessary that we have a change in our rules, otherwise there is lacking proper protection for the Treasury.

Mr. COLTON. Mr. Speaker, one further thought in answer to what the gentleman from Tennessee [Mr. GARRETT] has said. It is my position that by reference to the act of August 25, 1916, you make that act a part of this measure and thereby indirectly you make an authorization for an appropriation whenever you make the provisions of that act applicable to this act. It may be distinguished from the ruling on the bridge bill because in that case there was no direct reference as in this case where indirectly at least another statute is made a part of this bill.

I may say in conclusion, Mr. Speaker, that as the gentleman from Michigan [Mr. CRAMTON] has pointed out, if the House did err, and proceeded to make a wrong ruling, we ought to be given a chance to correct it. In other words, if we erred once, we ought to be allowed to repent and correct that error. I think this act itself brings forcibly to the House the necessity of a ruling that the Speaker himself may take judicial notice of some things that are within the purview of the Speaker and even of all of the Members of the House. It is no argument that because we have heretofore made an error we ought to continue to perpetuate that error. However, I maintain that by reason of the direct reference to a statute which authorizes an appropriation this bill should be on the Union Calendar.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. GARRETT of Tennessee. Of course the gentleman understands that I do not concede that the House made an error. I think the House held in accordance with the precedents. I have no doubt the Speaker has the cases before him. I could give the gentleman a number of cases. The general principles were stated in the rulings which I read. I did not state the facts of those particular cases, because I am sure the Speaker has them before him. One of the early rulings cited was on a bill to change a judicial district in some way. Mr. Speaker Carlisle overruled the point of order and held that possible expense thereunder was too remote. Another one of the cases in which one of the precedents cites is laid down was the bill providing 8-hour days for letter carriers. A point of order was made that it should go to the Union Calendar, because it necessarily, as everybody knew, would increase the expenses. They would have to increase the number of clerks. However, that did not show on the face of the matter.

Mr. COLTON. But, Mr. Speaker, I am trying to distinguish. In this case we are not left to an inference. I recognize that all of the rulings that the gentleman from Tennessee has cited hold to the doctrine that it must show upon its face. I maintain this does so show upon its face by directly referring to a bill that authorizes an appropriation and expenditure. It is itself an indirect authorization in this measure.

The SPEAKER. The Chair is prepared to rule. Were it not for the decision cited by the gentleman from Tennessee [Mr. GARRETT] and others, wherein the House decided the question, the Chair would feel himself in some doubt about this bill, as he did on the bridge bill. With all due humility, the Chair still thinks that he was right in his decision in that case, although he bows, of course, to the combined wisdom of his colleagues in the House. The Chair believes that some day this decision of the House is going to come up to plague us, but for the time being he feels bound by it, and he feels that this case is on all fours with it.

May the Chair revert for a moment to that bridge bill? In the first place, unlike any other bill the Chair has ever seen, the bridge was to be completed under the jurisdiction of three different Cabinet Secretaries. There was in it a provision as follows:

The said Secretaries, acting jointly, are empowered and if requested to do so are directed to hold public hearings for full and complete determination of said precedent requirements.

The Chair thought at that time, and he still thinks, that this provision shows on its face that certain charges on the Treasury were bound to follow from the passage of the bill. Of course, nobody contends now that these charges did not follow. A letter read into the RECORD by the gentleman from Oregon from the War Department called specific attention to the expenditure that would have to be made, but the decision of the House went to the full extent of holding that in determining whether a bill involves an expenditure the Chair is confined to the face of the bill itself, and not to facts which may have come to his knowledge from any other source, no matter how authentic.

The Chair has before him a letter received to-day from the War Department, as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 26, 1929.

The SPEAKER HOUSE OF REPRESENTATIVES.

SIR: In reply to telephonic request, it is estimated that the expenses incurred in connection with the investigation of the Longview Bridge across the Columbia River amounted to $1,650.

This estimate includes costs of hearings by representatives of joint commissions of the Departments of War, Agriculture, and Commerce at Portland, Oreg., and Longview, Wash., the hearing in Washington at the office of the Secretary of War, the travel expenses of engineers sent to bridge site to observe tests of foundations, incidental expenses, and miscellaneous office expenses at Portland, Oreg., and Washington, D. C. In addition to the above expenses the cost of the services rendered by Government employees in this connection may be estimated at $1,250.

Further additional expenses in connection with the investigation will probably not exceed $25, and salaries for additional time to be spent on the investigation by Government employees are estimated at $400.

Very sincerely,

HERBERT DEAKYNE,
Brigadier General, Acting Chief of Engineers.

It appears to the Chair that this result was entirely obvious on the face of the bill itself. But under the decision of the House the Chair was not permitted to use such practical knowledge as he might have of the situation, no matter how authentic it might have been.

The gentleman from Tennessee [Mr. GARRETT] in his argument at that time, after the Chair had stated that in his opinion it was obvious that that would cost money and that he knew from hearing a letter read from the Secretary of War that it would cost money, said:

Mr. Speaker, take my own situation. The Chair speaks of the knowledge that the Chair has of the controversy. The Chair, I know, is perfectly familiar with it. Now, I am not. It may be that inasmuch as there have been various publications in the papers in connection with this bill that I ought to have known more of it, but all I know of the matter, except what has been developed here this morning, I derive from the reading of the bill itself and from the bill only, and I dare say that every Member of the House who has not had personal touch with the situation, such as naturally comes to the Chair, derives his information from the bill, and the bill does not show upon its face the fact that expenditures will be engendered.

In other words, as the Chair understands, it was the position of the gentleman from Tennessee that ignorance upon his part, which would lead to a parliamentary conclusion such as he contended for, was better than information on the part of the Chair which might lead to a different conclusion. The Chair may be permitted an illustration rather more personal in its nature. If the Chair should receive a written invitation, say, from the gentleman from Texas [Mr. GARNER] to indulge in a friendly game of cards, the gentleman from Tennessee [Mr. GARRETT] would not permit the Chair to make use of information gathered from sad experience in the past that a charge upon his personal treasury would inevitably follow. [Laughter.] That is the exact effect of the decision of the House heretofore rendered.

The Chair thinks that he is bound by that decision, that he must examine the face of the bill alone, and not use any discretion or judgment or knowledge or information of any kind. The Chair, therefore, overrules the point of order.

A FAREWELL

Mr. BERGER. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BERGER. Mr. Speaker and fellow Members, owing to the illness of Mrs. Berger, I have to leave the city this afternoon. I can not leave without expressing my sincere thanks for your uniform courtesy and kindness in these latter years, after you had excluded me twice before. [Applause.]

I also want to express at this time my thanks for the fair treatment I received at all the executive departments, and especially in the Department of Labor. I hope that Mr. Hoover will see fit to retain that fine gentleman, Mr. James J. Davis, in the job he now holds as Secretary of Labor. [Applause.] And I hope, too, that Mr. Harry E. Hull, Commissioner General of Immigration, will be retained for his splendid service in that position. Mr. Davis is a true and living example of what immigration can do for our country. He is an immigrant from Wales. Surely he is a benefit to the Nation. [Applause.]

That is all I have to say, and I thank you, one and all. [Applause.]

OUACHITA NATIONAL PARK, ARK.

Mr. COLTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COLTON. I understand the gentleman from Washington [Mr. HILL] will have control of the time. I desire to ask him what is the time that may be used by this side?

The SPEAKER pro tempore. The gentleman from Washington will have one hour, from which he can yield time, and at the end of the hour he can move the previous question.

Mr. COLTON. I want to ask if any time will be allotted to the opponents of the bill?

Mr. HILL of Washington. Mr. Speaker, I want to inquire if I can yield a portion of that time to the gentleman from Utah without waiving any right of myself to control the balance of the time?

The SPEAKER pro tempore. The gentleman can ask unanimous consent.

Mr. HILL of Washington. I ask unanimous consent, Mr. Speaker, that of the hour allotted for debate on this bill one-half may be controlled by the gentleman from Utah and one-half by myself, and at the end of that time the previous question may be considered, as ordered.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to yield for debate only to the gentleman from Utah [Mr. COLTON] 30 minutes, and at the end of one hour the previous question may be considered, as ordered on the bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 675) to establish the Ouachita National Park in the State of Arkansas

Be it enacted, etc., That there is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated, set apart, and established as a public park for the benefit and enjoyment of the people, under the name of the Ouachita National Park, the tract of land in the State of Arkansas particularly described by and included within metes and bounds as follows, to wit:

All lands included within the exterior boundaries of that part of the Ouachita National Forest being in the following land divisions and subdivisions: Sections 35 and 36, township 2 south, range 31 west; east half township 3 south, range 31 west; sections 1, 2, 12, 13, and 24, township 4 south, range 31 west; township 3 south, range 30 west; north half of township 4 south, range 30 west; sections 19, 20, 21, 22, 23, 24, 27, and 28, township 4 south, range 30 west; south half of township 3 south, range 29 west; sections 17 and 18, township 3 south, range 29 west; north half of township 4 south, range 29 west; sections 19, 20, 21, 22, 23, 24, 25, and 26, township 4 south, range 29 west; south half of township 3 south, range 28 west; township 4 south, range 28 west; sections 1, 2, 3, 4, and 5, township 5 south, range 28 west; south half of township 3 south, range 27 west; township 4 south, range 27 west; sections 1, 2, 3, 4, 5, and 6, township 5 south, range 27 west; sections 31 and 32, township 3 south, range 26 west; sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 29, 30, 31, 32, and 33, township 4 south, range 26 west; sections 4, 5, and 6, township 5 south, range 26 west; sections 7, 18, and 19, township 4 south, range 25 west; all of said lands being in the State of Arkansas and west of the fifth principal meridian in said State.

SEC. 2. That the administration, protection, and promotion of said Ouachita National Park shall be exercised under the direction of the

Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes."

SEC. 3. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land: *Provided*, That this act shall become effective to create the area herein described as a national park only when the title to all of the lands within such area and now privately owned shall have been vested in the United States, and the Secretary of the Interior is hereby authorized to pass upon and accept title to said privately owned lands on behalf of the United States: *Provided further*, That the United States shall not purchase, by appropriation of public moneys or otherwise, any land within the aforesaid area, but that such land shall be secured by the United States only by public or private donation.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HILL] is recognized.

Mr. HILL of Washington. Mr. Speaker, I desire to yield to myself five minutes.

The SPEAKER pro tempore. The gentleman from Washington is recognized for five minutes.

Mr. HILL of Washington. Mr. Speaker and gentlemen of the House, this bill proposes to create a national park in what is now the Ouachita National Forest, in the State of Arkansas. The proposed park comprises an area of about 163,000 acres of land. Of this acreage of 163,000 acres, about 35,000 acres are in private ownership and about 128,000 acres are owned by the Federal Government and are within the Ouachita National Park.

The bill provides that before it shall become effective to create the area a national park, all of the land in private ownership shall have been acquired and deeded or donated to the Government, without cost to the Government. Only upon that condition is the bill to become effective; so it is not to cost the Government any money for the acquisition of these private holdings, and the act does not become effective until those private holdings are extinguished and the title vested in the United States Government.

Now, the Park Service and the Forest Service are opposed to this bill. Their principal objection to it is that it does not come up, as they say, to the standard set by the Congress as to national parks. They do not set out specifically in what particular it fails to reach that standard, but they make the point that the main feature of a national park should be its scenic beauty or scenic grandeur, and that all other considerations are incidental and secondary to this primary consideration. I submit to you that this is one of the most scenically beautiful spots in all America. [Applause.]

It rises from the coastal basin and the plane of the Mississippi Valley at a level of about 400 feet above the sea and stands out as a rugged mountainous country, having all the wildness that nature could provide. It towers to a height of 2,700 feet above sea level, rising practically from the sea level. It stands out in that great plain as something unique and it is the only mountain system and has the only mountain peaks between the Appalachian system and the Rocky Mountains. It is one panorama of beauty. As described by the Forest Service itself, it is a jumble of hills with narrow valleys and with beautiful, limpid streams flowing down those valleys. More than two dozen mountain peaks within this area rise to a height of more than 2,000 feet. They are covered with verdure, with trees, and with a vegetable growth that completely covers them. There is a panorama of beauty that is not paralleled in any national park in the United States.

The SPEAKER pro tempore. The gentleman has consumed five minutes.

Mr. HILL of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. HUDSON. Mr. Speaker, it seems to me that the legislation before us is of such great importance that there should be a full attendance of the Members of the House, and therefore I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Michigan makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. CRAMTON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 31]

Anthony	Beck, Wis.	Britten	Carley
Auf der Heide	Blanton	Buckbee	Casey
Bacharach	Boies	Bushong	Connolly, Pa.
Beck, Pa.	Bowles	Butler	Crisp
Crowther	Hawley	Lyon	Strother
Curry	Hoch	McClintic	Sullivan
DeRouen	Hudspeth	Maas	Sumners, Tex.
Doutrich	Hull, Tenn.	Mooney	Tillman
Doyle	Jacobstein	Moore, N. J.	Timberlake
Estep	Kent	Oliver, N. Y.	Treadway
Fitzgerald, W. T.	Kindred	Palmer	Underwood
Fulbright	Knutson	Quayle	Updike
Gilbert	Kunz	Rainey	Watson
Glynn	Kvale	Ramseyer	Weaver
Griest	Lampert	Reed, Ark.	Weller
Hadley	Lanham	Sabath	White, Kans.
Hammer	Leatherwood	Sears, Fla.	Wilson, Miss.
Harrison	Leech	Stedman	

The SPEAKER pro tempore. Three hundred and fifty Members have answered to their names. A quorum is present.

Mr. CRAMTON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

LAKE OF THE WOODS ACT

Mr. SELVIG. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a bill I have introduced today regarding the Lake of the Woods.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SELVIG. Mr. Speaker, in May, 1910, the International Joint Commission was created for the purpose of investigating claims arising out of disputes in connection with boundary waters. To this commission was referred the investigation regarding the damages caused the owners of lands bordering on the Lake of the Woods which is situated along the northern boundary of Minnesota in my district. These damages resulted by reason of raising the water levels in that lake caused by the construction of a dam at Kenora, Ontario. The first dam was built in 1887 and stop logs were placed in 1898. This dam was replaced in 1905 by a new dam. This dam in turn was improved in 1925.

On July 17, 1925, a treaty between the United States and Canada known as the Lake of the Woods treaty was ratified. The purpose of this compact was to provide authority to regulate the level of the Lake of the Woods. It also provided for the acquisition by purchase or condemnation of flowage easements up to elevation 1064 sea level datum upon all lands bordering on Lake of the Woods and tributary streams.

ACTION BY CONGRESS

Congress passed an act (Public, 269, 69th Cong.) to carry into effect provisions of this treaty. I introduced an amendment to this act which was enacted into law on April 18, 1928 (Public, 280, 70th Cong.), providing that any condemnation proceedings instituted for acquisition of flowage easements should be carried on—

in accordance with the constitutional provisions of the State of Minnesota, which provides that private property shall not be taken, destroyed, or damaged for public use without just compensation therefor first paid or secured.

Condemnation proceedings have been instituted and three commissioners were appointed by Federal Judge W. A. Cant, of Duluth. The commissioners are Nels S. Hegnes, William Taber, and E. I. Brandt, all of Minnesota. They have already studied more than half of the 522 claims submitted by the property owners. It is understood that the proceedings with regard to the acquisition of easements are progressing as rapidly as the scope and work involved in the undertaking warrants.

CLAIMS FOR PAST DAMAGES

In the act of Congress (Public, 280, 70th Cong.) above referred to is a section which deals with the claims for past damages. I will place the present provisions of this law in the RECORD in order to make clear the purpose and intent of the amendment to the present act which I have introduced:

SEC. 3. The Secretary of War is hereby authorized and directed to cause to be investigated, as soon as practicable, all claims for damages caused, prior to the acquisition of flowage easements under this act, to the inhabitants of the United States by fluctuation of the water levels of the Lake of the Woods due to artificial obstructions in outlets of said lake, and after due notice and opportunity for hearing, shall ascertain and determine the loss or injury, if any, that may have been sustained by the respective claimants and to report to Congress for its consideration the amount or amounts he may find to be equitably due such claimants, together with a statement in each case of the substantial facts upon which the conclusion is based: *Provided*, That all claims not presented to the Secretary of War under this provision prior to the expiration of 30 days from the date of the passage of this amendatory act, shall not be considered by him and shall be forever barred.

The investigation of claims for past damages submitted by property owners around Lake of the Woods involves a study

beginning at the time the first dam was built in 1887. The International Joint Commission, created in 1910, for the purpose of investigating these claims, recommended in their report that a settlement be made with the claimants. While the claims are being made against the United States, Canada will share in the payment up to one-half of the awards ordered for the flowage easements if the expenditure be incurred before July 17, 1930, five years after the coming into force of the present convention. This is in addition to a payment already made by Canada of $275,000 for protective works and the acquisition of easements.

The treaty provides that the two governments shall each on its own side of the boundary assume responsibility for any damage or injury which may have hitherto resulted to it or to its inhabitants from the fluctuations of the level of the Lake of the Woods or of the outflow therefrom.

TIME LIMIT SET

It should be observed here that the present proceedings with respect to payments for the acquisition of easements should be expedited in order to be completed before July 17, 1930, a year hence. There is no time limit set for the payment of past damages, but it is urged that the payment of these claims be expedited.

Considerable discussion and correspondence have been carried on with respect to the manner of handling the claims for past damages. In this connection I quote from a letter dated February 20, 1929, written to me by Brig. Gen. Herbert Deakyne, Acting Chief of Engineers:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 20, 1929.

Hon. C. G. SELVIG,
House of Representatives, Washington, D. C.

DEAR MR. SELVIG:

* * * * * * *

A total of 495 claims have been presented to the district engineer for investigation and report. Reports have been prepared on 122 of these cases, but all may have to be revised in some elements, depending on the law laid down by the court in the related condemnation cases. Tentative awards, together with a statement of the substantial facts upon which the conclusions are based, are included in these reports. Reports on field examinations, containing information collected by agents of the department and suggestions as to awards, have been compiled in 144 additional cases, but the reports on these have yet to be prepared.

With the exception of one case (that of the claim presented by independent school district No. 12—Warroad High School) no hearings have been given. In the hearing given the Warroad High School, claimants were represented by counsel.

Claimants have not been notified as to the awards recommended, except in the case of the Warroad High School, referred to above. It is not considered desirable to notify the claimants as to probable awards until the facts in each case can be presented and the award passed on by the department. The awards, together with the supporting facts, will be placed before the claimants when the matter is open for hearing, and they will then be given every opportunity to present, either personally or by counsel, orally or in writing, any data or arguments in favor of a different award than has been recommended.

As required by the law, and as dictated by justice and equity, the claimant will have opportunity of refuting statements contained in the district engineer's report and of introducing any evidence he may have at his command to contradict statements regarded by him as incorrect. Any evidence submitted by the claimant will receive careful consideration. Written testimony—and oral testimony, in so far as it is practicable to do so—will be embodied in the final report to be submitted to the Secretary of War. Under the law Congress has reserved to itself final action on these claims; and should claimants be dissatisfied with the final awards recommended by the Secretary of War, they can appeal to Congress for a further hearing by congressional committee.

In addition to the employee referred to in paragraph 2 of my letter of February 8, the employment of another man, who, by relieving pressure at another point, will thus aid in the investigation of these claims, is pending, and a third man is being sought for employment directly on this work. By thus increasing the force engaged in this work, and with reasonable success in collecting data and facts, it is expected that final reports in all cases may be completed within the next 12 months. The securing of facts in many cases is most difficult.

Very respectfully,

HERBERT DEAKYNE,
Brigadier General, Acting Chief of Engineers.

COURT REVIEW OF CLAIMS

I introduced H. R. 17276, on February 26, 1929, which amends section 3 of the amended Lake of the Woods act. This bill provides that the Secretary of War shall file a certified copy of the report of past damages and awards with the clerk of the United States district court, in the district and division of the district in which the lands involved are situated and thereupon the same proceedings shall be had in such court on such report and awards as upon awards of the commissioners in the case of condemnation proceedings for the acquisition of flowage easements.

I introduced this amendment because the claimants should have full and free opportunity to avail themselves of the court procedure in case the award proposed by the district engineers' office is not considered satisfactory.

A thorough study of the proceedings of the International Joint Commission leads me to believe that the members of that commission intended that the settlers whose lands have been overflowed by reason of the higher lake levels should have every opportunity to present their claims under the regular procedure in a court with jurisdiction. This is a measure of justice to which each man is entitled.

The judicial machinery of the land should be made available to these settlers, many of whom, on account of the long delay and innumerable setbacks and discouragements encountered, beginning nearly 30 years ago, are rightfully insistent that Congress by appropriate legislation give them their day in court.

JOINT MEMORIAL BY MINNESOTA LEGISLATURE

The Legislature of the State of Minnesota adopted a joint resolution on February 8, 1929, memorializing Congress to give to the settlers the right to appeal to the court and to give said courts jurisdiction to hear and determine the appeals so taken. This memorial is on file with the Committee on Foreign Affairs.

A study of the Lake of the Woods levels reveals that the first dam raised the water 18 inches, the second dam 3 feet, and at the present time, under the final report of the International Joint Commission, a 5-foot increase in the lake level is allowed.

Many settlers were adversely affected and have suffered losses from these high levels. These losses are now being investigated. Ample and valid reasons for court review of the engineers' findings in regard to past damages have been advanced.

The bill which has been introduced (H. R. 17276) provides that the report of the engineers shall be filed within 90 days after the passage of the act. The bill will be reintroduced next December, which will give the engineers the necessary time suggested in the letter received from the Acting Chief of Engineers for the final report to be made.

OUACHITA NATIONAL PARK, ARK.

Mr. COLTON. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, it is proposed to create a new national park. The Ouachita National Park in the State of Arkansas proposal is urged by people in that vicinity and in that State. The proposal is opposed vigorously by the National Park Service, both under Director Mather and under Director Albright. It is opposed by the United States Forest Service, both under Colonel Greeley and under Major Stuart. It is opposed by the Secretaries of Interior and of Agriculture. It is opposed by the National Parks Association, by the American Civic Association, and all other organizations I am familiar with that are concerning themselves about the proper standards for and use of our national parks. The area concerned is contended by those who are familiar with our national parks and have seen this area to be of an attractive character, suitable for recreational purposes, but not outstanding and not reaching up to present national-park standards. We have municipal parks, county parks, State parks, and national parks. The sole responsibility for maintaining public parks should never be placed on the National Government. The words "national park" in the United States stand for that which possesses such great merit as to scenery that it challenges the attention of the world and by intrinsic interest attracts visitors to the area from all over the world. The name "national park" to-day means something that is outstanding and that challenges admiration. It does not mean that a certain community wants a good commercial investment. It means there is an area there which invites and warrants the inspection of the world, whether it be Yellowstone, with its scientific wonders; whether it be Crater Lake, with its unrivalled blue of the lake in the old crater; whether it be Glacier Park, with the greatest collection of peaks and glaciers anywhere in the world; whether it be Mount Rainier, where a rugged, beautiful, all-the-year-snow-capped peak rises eight or nine thousand feet above all around it; whether it be Yosemite, with the famed Yosemite Falls and Bridal Veil Falls and Half Dome; or the Grand Canyon, great eroded chasm. "National park" is the hall-mark of outstanding merit in natural beauty and interest.

The great question to-day is not just whether we will add one national park to the list, it is whether we will maintain a

standard for national parks that will preserve for these areas the fame that now attaches to the words "national park."

It was not long ago that Lindbergh made that wonderful flight across the Atlantic. The greatness of his achievement joined with his wonderful personality, won the hearts of America, and this House voted to pay him honor, and we voted him a congressional medal of honor. I do not know how many times individuals have been so honored by the Congress, perhaps one hundred times in all our history; but, in any event, to hold a congressional medal of honor—oh, intrinsically it has no great value, but it does mean outstanding accomplishment. But if we were to pass a multitude of bills giving every aviator to-day a medal who was to fly 1,000 miles even in the stress of storm and danger—oh, his accomplishment is commendable, it is interesting, it is worth while; but if we were to give the congressional medal of honor for every such flight, we would cheapen the medal we gave to Lindbergh and the others who hold it.

There is a standard to be maintained and that is what we are appealing to you to-day to do—maintain the national-park standard. [Applause.] If you do not, if you pass this bill on the plea that every State is entitled to a national park, you invite a flood of such bills. If you are going to pass this bill because it means something commercially to a community, that is unfair to the lovers of nature who cherish the name "national park."

I hope this House will consider this with great care, because the standards that have been built up here for years are now under attack. The passage of this bill means a lowering of the standards, a flood of other bills that means a still greater lowering of the standards. [Applause.]

The following reports adverse to this proposal should challenge our consideration. The report of the Secretary of the Interior February 1, 1928, said:

It is shown by the records of this department that the area described in this bill was inspected by representatives of the Forest Service of the Department of Agriculture and the National Park Service of this department on May 7, 1926. From a joint report rendered by the representatives of these bureaus it would appear that this area should not be made a national park for the reason that it contains no distinctive scenic or other features comparable with the standard set for the establishment of national parks, and that the area has nothing of outstanding or national significance which would warrant placing it in a national-park category.

Very significant was the action of the National Conference on State Parks in refusing approval to this bill. In a letter to the House Public Lands Committee March 26, 1928, the following action by this body of disinterested experts, including the report of an inspection of the area by such an expert, was given:

MARCH 26, 1928.

Hon. NICHOLAS J. SINNOTT,
Chairman Public Lands Committee,
House of Representatives.

MY DEAR MR. SINNOTT: The National Conference on State Parks is interested in H. R. 5729, a bill to create the Ouachita National Park in Arkansas since at the time of its 1926 national conference at Hot Springs, Ark., it was asked to pass a resolution favoring the creation of the proposed national park. Believing that it did not measure up to the recognized standard for national parks the conference acted adversely on this request.

At that time the conference had in its service as field secretary Mr. Raymond H. Torrey, of New York. Mr. Torrey was asked to make an inspection and report to the chairman his judgment of the area's possibilities for a national park. His recommendations were as follows:

"My opinion of the portion of the Ouachita National Forest which is proposed as a national park is that it does not measure up to the high standards now set for such preserves. It seems to me it is in good hands in the National Forest Service and such recreational values as it possesses can be developed by that service.

"In scenic values, forest cover, and water resources it is about on a par with some of the larger State parks and forests. It is about on a par with some of the Pennsylvania State forests, for example, and resembles them in elevations and timber, but is not so well watered. It is also like the Allegany State Park in western New York. It is not as good as two large State preserves that come to mind, the Custer State Park in South Dakota and the Adirondack State Park in New York. Several of the State preserves in the Northwest and on the Pacific slope, such as the State forests in Idaho, Washington, and Oregon, the California and Redwood State Parks in California, and the Lake Itasca State Park in Minnesota far surpass it in scenic values and recreational resources.

"The Ouachita National Forest area, if it were now in private hands and were being purchased for public purposes, would be good average State park material. But it is in good hands, and will eventually receive all the recreational development of which it is capable."

In view of the foregoing we respectfully urge that the committee do not report favorably on the bill.

Very truly yours,

NATIONAL CONFERENCE ON STATE PARKS.
STEPHEN T. MATHER, *Chairman.*
BEATRICE N. WARD, *Executive Secretary.*

Mr. Arno B. Cammerer, Assistant Director of the National Park Service, a lover of nature, devoting his life with notable unselfishness and unusual ability to the cause of parks, recreation centers, and conservation, inspected the area and reported:

However, in my opinion, the scenic offerings in this area are not so distinctive or of such a character as should receive recognition for establishment as a national park. There are many other areas of a similar nature and character in other States which compare well with this, and if this area were to receive national-park status, it would set a precedent for other States to insist upon their areas being taken over as national parks as well. Such areas, you have often pointed out, are more suitable for State park creation, and it is my opinion that if the local people of Mena are insistent upon creating a park it should be a State park.

Colonel Greeley, at that time Chief Forester, joined in this adverse report on this area for national-park purposes:

It is our judgment that this area should not be made a national park for the reason that there are no distinctive scenic or other features comparable with the standards set for the establishment of national parks, and that the area contains nothing of outstanding or national significance which would warrant placing it in the national-park category.

We consider it unnecessary for this reason to elaborate on any other objections that might appear to the establishment of the park, even though the area measured up scenically to national-park standards, such as the existence of the large area of private holdings.

The final inspection of the area by the National Park Service was by Roger Toll, one of their ablest and most experienced men, then superintendent of Rocky Mountain National Park and now superintendent of Yellowstone National Park. And his report should convince anyone of the undesirability of this bill. In part he said:

National-park policy: Congress, through the past 50 years, has established a national-park policy, as is evidenced by the existing national parks and also by the many areas that have been proposed as national parks but have not been accepted as such by Congress. Congress has created as national parks those areas that were of outstanding phenomenal character and, with three exceptions, has refused to create as national parks numerous other areas that have been proposed. During the past 20 years, all parks that have been created have been of high standard and exceptional quality. During that period, Congress has rejected all areas that were unsuitable for national parks, even though many of these areas have beauty and attractiveness, but not scenic supremacy.

The Department of the Interior has frequently been called upon to submit to Congress its recommendation as to the suitability of various areas proposed for national parks. In order that these recommendations might conform with the established policy of Congress, the department has tried to put this policy into words and to make its recommendations consistent therewith. It is the policy of the National Park Service and of the Department of the Interior to maintain the standard established by Congress and to recommend as national parks only those areas which have the most remarkable and superlative scenery in the country or other unique features so extraordinary as to possess national interest of the highest order.

Congress has the right at any time to raise or lower the standard that it has set. It may raise the standard by eliminating the national parks of lowest rank or it may lower the standard by adding any number of new areas that are inferior, from a national standpoint, to existing parks.

The people of the country judge the congressional standard for national parks by means of the existing parks, and they have come to feel that the national parks are the Nation's superlative natural attractions, selected because of the unique features they contain or because of their remarkable scenic qualities. People in all parts of the country are confident that a visit to a national park will repay the necessary expenditure of time, money, and effort, even for a long trip. It is believed undesirable to destroy this confidence by establishing a national park that will not repay this expenditure in an equal degree, or that will prove disappointing to those who are familiar with the existing major national parks. Every national park should be worth traveling across the country to see. If an area is not of that quality, it is not of national-park type.

Scenic regions of the United States: Many States comprising "America the beautiful" have areas that equal the Ouachita area in beauty and attractiveness and many States have scenic areas on a grander scale and of a more magnificent type that would be entitled to precedence

over the Ouachita area if future national parks are to be created in order of scenic supremacy.

Geographic distribution of national parks: Congress has not shown an intention of creating inferior national parks in order to secure a uniform geographic distribution of parks throughout the country. Even if the thought of "a national park for every State" were to be given any consideration, Arkansas already has one national park, while 35 States have none.

Relation of national parks to density of population: If the density of tributary population were the primary consideration in the selection of national parks, there are a number of other regions in the United States that would claim precedence over the Ouachita area, on this basis. The use and accessibility of an area are important secondary considerations for a park, but they are secondary, not primary, considerations.

Mountains of the United States: One of the principal features emphasized as an argument for the Ouachita area is its mountains. More than two-thirds of the States in the Union have points of greater elevation than the Ouachita Mountains. This group of mountains is far down on the list of mountain ranges of the country. The State of Arkansas has a number of mountains higher than any in the proposed area.

Controlling features versus incidental features: The decision as to the suitability of an area for a national park rests primarily on the supremacy of its chief feature, usually scenery. All other considerations are incidental. Perfect weather conditions, large tributary population, remarkable accessibility, and other features that may be important assets in determining its recreational use or possibilities, will not make a national park out of a scenically unsuitable area. An area capable of the greatest recreational use, is not necessarily suitable for a national park. The Palisades Interstate Park has greater accessibility, a larger tributary population, and greater volume of visitors and recreational use than any national park, but though it has beautiful scenery, fully equal to that of the Ouachitas, and of greater variety, it is not of national-park type. In some of the national parks, such as Mount McKinley, the recreational use is still very small, but the areas have such scenic qualities as to make them very desirable for national parks.

Proposed Ouachita National Park: The area is in the Ouachita Mountains, a few miles southeast of Mena, Ark. The proposed park has a maximum length of 33½ miles east and west, and a maximum width of 13½ miles north and south. The proposed boundaries include some 163,000 or 170,000 acres.

The proposed park area is primarily a region of hills or mountains of moderate elevation. It is an attractive region, well wooded, has many clear streams, a number of cascades or low waterfalls, and numerous springs.

Arkansas already has a number of attractive recreational areas that offer to the people of southern Arkansas, eastern Texas, Louisiana, and Mississippi an opportunity to reach, with a comparatively short and inexpensive journey, a pleasant region where the temperature is cooler and where they may enjoy life in the open, under conditions superior to their own less favored summer climate. The Ouachita area has considerable possibilities for recreational use and, if developed, would form an important addition to the present recreational attractions of Arkansas.

The area is now a part of the Ouachita National Forest. The Forest Service has made a careful and detailed study of the recreational possibilities of the region, and has made plans for the accomplishment of this development. It would seem that a united effort on the part of the citizens and their Representatives in Congress would be certain to secure the appropriation of funds to continue this development at a faster rate in the future than has been possible in the past and to insure the completion of any reasonable program within a short period.

If the State of Arkansas wishes to expedite this development and give it additional publicity, it could establish a State park in this area to include at first perhaps only a few tracts in the most strategic locations. The State and the Forest Service could well cooperate in the development of this area.

It would seem that the recognition of this area as a State park, and the expenditure of a moderate amount of State funds or the investment by individuals or corporations in the erection of hotels, lodges, or camps, would not only render a public service to the people of the adjacent region but would also bring to the State and the community a revenue from tourist travel far in excess of the required expenditure.

There is a need for municipal parks, for county parks, for State parks, and for national parks. It is not, I believe, the policy of the Federal Government to undertake projects that can and should be carried out by the individual States. There is no important feature in this area that requires conservation by the establishment of a national park. The area is now being administered by the Federal Government, through the Forest Service, primarily for the purpose of conservation of its timber resources, for present and future economic use, and secondarily for recreational use. The Forest Service is ready to develop the recreational use of the area far beyond its present extent. This area is in good hands and through cooperation of the Forest Service, the State, and the community the result that is desired by all may be speedily accomplished.

Even if the area were of supreme scenic quality, the fact that some 35,000 or 43,000 acres within the boundary of the tract are in private ownership presents a serious obstacle to national-park status. The private property, however, does not prevent the further development of the region by the Forest Service, with or without the aid of the State.

The development of the Ouachita area for recreational use, is and should be, regarded with friendly, sympathetic interest, but this development can be adequately provided by the Forest Service, with Federal funds, with or without the aid of the State. Those who are interested in securing the development of this area, have expended money and energy for several years past without results in their efforts to have the area established as a national park. It seems probable that if a fraction of this effort had been directed toward cooperation with the Forest Service, and aiding it in securing necessary appropriations, that the desired development would now be under way at a highly satisfactory rate of progress.

The Ouachita area does not contain features nor scenery on a scale equal to, nor even approaching, the majority of the national parks that have been established by Congress. The area would not add any new feature of importance to the national-park system that is not already represented in a higher degree in the existing parks. In my opinion, the National Park Service can not consistently recommend consideration of this area for a proposed national park.

The Members of this House who have joined in the adverse minority report are devoted conservationists, have a wide familiarity with our national-park system, are men whose judgment in such a matter is unbiased and worthy of special consideration—Representatives COLTON, of Utah; HOOPER, of Michigan; LEAVITT, of Montana; WINTER, of Wyoming; and DOUGLAS, of Arizona. They close their very effective minority report:

The minority believe that a recreational center should be established and maintained in the Ouachita National Forest. In fact, the Forest Service is developing that region rapidly now. During the last year considerable money was spent in road building and in providing conveniences for the traveling public. We believe that this class of service can be and will be better performed by the National Forest Service than the Park Service.

If the Ouachita National Park is created as provided for in this bill, it will be a departure from the long-established practice which has been consistently followed since 1872. It will mean that we shall create parks based upon the theory of local demand or general distribution. This we believe to be a serious mistake. We believe that Congress should either appoint a commission of experts to study this matter or should be governed by the Department of the Interior, which now has charge of the Park Service. It is our belief that no park should be created in the future that is not carefully examined by men thoroughly familiar with the park system and the standard of national parks. In other words, we believe that an architect should be consulted before a building is commenced.

The minority members of this committee stand ready to join in any movement which will more rapidly develop this area in the Ouachita National Forest as a great recreational center, but we do not believe that it measures up to the standard of the national park and therefore should not be created into one.

A report on this proposal worthy of most thoughtful consideration is that by Miss Harlean James, secretary of the American Civic Association. Miss James spent four days in a most careful inspection of this area. She is recognized as an enthusiastic conservationist, an authority of wide reputation on park questions, and her analysis of the proposition is illuminating:

DESCRIPTION OF THE AREA

The Ouachita Mountains near Mena, Ark., are of the mound type, forming groups of broken chains similar to some of the foothills of the Pacific coast; and though some of the rounded peaks reach an altitude exceeding 2,000 feet, they rise from a plateau of considerable height. The view from Eagle Mountain is quite extensive, because it tops the surrounding knobs, but there is no spectacular mountain scenery. Dark, stately pines and brilliantly green hardwoods clothe the slopes with good forest cover. The tops of the mountains are formed of white and colored rock which breaks into beds of small, sharp stones when trails are cut. The timber on the mountain tops is small and straggling. The dogwood was in bloom, and we saw violets, trilliums, and other woods flowers. Almost every intervale between the wooded mountains has been partly cleared and is occupied by cultivated fields and scattered groups of cabins and farm buildings.

From the fire tower on Eagle Mountain we could see the furrows being turned in the fields of the valleys below. Within the borders of the proposed national park the forest roads are literally lined with private holdings, cultivated fields, land cut over by private lumber companies, and privately owned standing timber. The forest roads—which, though narrow, are perfectly traversable in a pouring rain—are

bordered by private land for about two-thirds of their length. Access to many drainage areas containing national-forest land is controlled by private land.

In addition to the very pleasing sylvan and pastoral views from the vantage points of the rounded mountains, the Little Missouri Falls and Standing Rock are points of local fame. The Little Missouri Falls are rather rapids than falls, as the water flows over a series of rocky ledges between banks marked by stone outcroppings partly covered with a straggly growth of shrubs and trees. It is a delightful picnic spot, such as can be found in the headwaters of many of the mountain and hill streams in the United States.

On our drive and tramp to the Standing Rock we found cultivated fields alternating with the wooded banks and rocky ledges of Board Camp Creek. The Standing Rock itself is interesting, having the aspect of a high masonry stone dam across the creek, which might have been partly demolished or possibly left in an unfinished condition—just the right sort of spot to offer an interesting objective for pleasure-seeking parties or solitary ramblers.

The water in the streams of this part of the country presents an oily appearance which is slightly greenish and opaque. The great beauty of the clear sparkling water of the Rocky Mountains is lacking.

Most of the best forests have been cut over. The forest land held by the National Forest Service under its system of harvesting the forest crop is capable of furnishing a good commercial cut every 30 or 35 years on a rotation of tree life of about 140 years. Under the principle of selective cutting the pine forests under the ownership of the United States Government present always a very good appearance, but, of course, even where this form of cutting has occurred the primeval forest and the natural ground cover no longer exist. The shaley character of the soil leaves the pine needles and leaves quite dry even after a heavy rain, adding to the difficulty of protection from forest fires. The local settlers are firm in the belief that burning over their fields will destroy the boll weevil and the chiggers and ticks but their fires often get away from them and cause great damage to the surrounding forest.

On the whole it may be said that the area, in the section which I traversed, contains good cover forest, yet, even as a forest it is far less impressive than many of the forests in the White and Green Mountains in New England, the Adirondacks and Catskills of New York, the Blue Ridge in Pennsylvania, Maryland, and Virginia, the Appalachians in North Carolina and Tennessee, the Rocky Mountains in Colorado, and the Cascade and Coast Range in Washington, Oregon, and California.

WHAT THE PEOPLE HOPE TO SECURE BY CONVERTING THE NATIONAL FOREST INTO A NATIONAL PARK

From accounts in the local newspapers, from statements before the committees of Congress, and conversations with a few local people it would seem that the following advantages are being set forth as sure to follow the establishment of a national park—

(1) It is hoped that 100 miles of hard surface wide road would be built by the National Park Service within the area, though at present these roads would not form links in any important national highway.

(2) It is hoped that the establishment of a national park would bring increased business to Mena and help to rehabilitate it. Mena, a town of some 4,000 inhabitants, lies on the Kansas City Southern road, which runs south from Kansas City to the Gulf. The town was once a division headquarters, but the railroad has moved these headquarters away. I observed in the town of Mena a good many deserted buildings in the business part of the town.

(3) The private owners of cut-over land hope that the consolidation of a national-park area and the elimination of private holdings within it might lead to exchange of cut-over land within the area for standing timberland in other national-forest areas to the north.

(4) Owners of private lands within the proposed park hope that they could develop patronage of camps and inns either on their own land or secure concessions from the National Park Service which would be profitable.

(5) It is hoped that with improved roads, hotel and camping facilities great numbers of visitors would come to the area seeking recreation.

HOW FAR WOULD THESE HOPES BE REALIZED?

In the existing national parks expensive roads have been built only as the number of visitors to the parks justified the expenditures. In most of the parks an admission fee is charged. At the present time there are several very good camping grounds in the Ouachita National Forest area, but they are very little used. A resort hotel built on the mountains north of Mena proved an utter failure and is now crumbling in ruins. As a matter of fact, there is very little camping out in these mountains after June, because of the chiggers and ticks.

As a national park, hunting, trapping, and commercial fishing would be prohibited. The settlers, as they are called, who live within the proposed park grow a little cotton, a little corn, have a few cows and pigs, produce a little garden truck, and depend for the rest of their living on hunting, trapping, and fishing. The sale of pelts of fur-bearing animals brings in each year to these settlers a small cash income. Therefore, even if the area could be made into a national park, there is every reason to suppose that the local people would find that they had paid a very high price for the name of national park. Visitors from other parts of the country might be lured once by advertising, but the scenic attractions, in my opinion, are not sufficient to draw and hold large numbers of visitors from the United States as a whole. Some of those who might come in to the national forest to hunt and fish would not care to come to a national park where hunting was prohibited. Except in the spring, I can hardly believe that many people from other parts of the country would care to camp in the Ouachita Mountains.

The resort hotels in Hot Springs bring large numbers of persons suffering from rheumatism and other ailments. It may be that resort hotels in this area for people in good physical condition would in the future receive patronage, but so far the experiments along this line have proved failures. There is no reason to suppose that the name of national park would fill such hotels. The proposals to enhance the scenery by artificial lakes show a lack of appreciation of what a national park should be. Indeed, a private venture has resulted in the creation of an artificial lake at Bethesda Springs, near Mena; but we could not observe a single building on the cottage sites thus provided.

WHAT WOULD BE SACRIFICED IN GIVING UP THE NATIONAL FOREST?

Under the present policy of the United States Forest Service this area is yielding a good income on a 30-year harvesting cycle, which maintains the steady growth and good appearance of the forest. Of the receipts from timber sales, 10 per cent is returned to the Forest Service for the building of roads within the forest. An additional 25 per cent is returned directly to the State, which in turn distributes it to the counties in which the national forests are located for upkeep of county roads and schools. Under an Arkansas statute three-fifths of this 25 per cent item is expended for the support of the schools within the counties in which national-forest land is located. The money is apportioned to the school districts in proportion to the number of acres of national-forest land lying within the boundaries of each school district. This gives the little country schools amounts which range from $75 to $150 and $300, and in one case as high as $700 a year. An amount as large as the last figure covers far more than 50 per cent of the teacher's annual salary. Some of the mountain schools are maintained very largely by the apportionment received from the national-forest receipts. If this area were made into a national park, about 40 schools would lose this income.

With the closing of the area as a game preserve the economic loss to the community would be quite considerable, and there is very little evidence that the economic gain, even to the few who would share in it, would equal the losses. The creation of limited game preserves within the forests would result in increasing the game.

CONCLUSIONS

My conclusions therefore are—

(1) The area, even if it were in its primeval state, does not qualify as a national park, which should be characterized by natural conditions of scenic beauty and scientific interest of nationally outstanding importance.

(2) In its present state, with many acres of cut-over lands and many more acres being logged under scientific forestry management, with a great number of cultivated farms and private holdings honeycombing the entire proposed park and lining the existing roads, the area as a whole is not suited for a State park.

(3) Under a careful classification of lands for their highest use the management of the land as a national forest seems to promise a more valuable return to the United States and the State of Arkansas than any other feasible use.

(4) In view of the fact that the United States Forest Service recognizes the desirability of restricting timber cutting to areas where there would be practically no conflict between its timber-utilization policies and its plans for recreation purposes, it would seem that all recreation needs can be met without sacrificing the economic income from the thousands of acres of forest land over which only an occasional hiker may roam. Areas such as those surrounding Missouri Falls, Standing Rock, and in Mine Creek would not be cut over under this policy.

(5) The creation of the Ouachita National Park from existing forest lands and cultivated farms would open the door to the inclusion in the national park system of hundreds, if not thousands, of similar areas in all parts of the country. This would result in the weakening of the present national park system and in the administration by the Federal Government of recreation areas which could be much better managed by local authorities.

HARLEAN JAMES,
Secretary American Civic Association.

Scenery can not be made by act of Congress. Passage of this bill will not cause Ouachita to become of world-wide fame or to rival Yosemite or the Grand Canyon. It does tend to lower the standards and invites a flood of other bills to promote local interests while jeopardizing the value of the name "national park."

Mr. HILL of Washington. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. LETTS].

Mr. LETTS. Mr. Speaker, ladies, and gentlemen of the House, I am glad to say a few words to-day in behalf of this bill because I have seen the area and am tremendously impressed with it.

I wonder if the Members of this House know that we already have a national park in Arkansas almost contiguous to the territory here described? The Hot Springs National Park is right at hand, and I have felt that in reporting this bill we should have provided that the administration of this park should be placed upon the superintendent already there at Hot Springs.

Talk about something unique, where would you find anything more unique than the Hot Springs of Arkansas?

Mr. CLARKE. Will the gentleman yield?

Mr. LETTS. No; I can not yield until I finish my statement. I am sorry.

The question of standards is urged. Of course, standards are relative according to the interpretation men place on their own experiences. What is standard for one person is not the standard recognized by another man or some other community.

Those who have traveled through the West and have seen the great national parks in the Rocky Mountain region know immediately that this area in Arkansas does not measure up to the Rocky Mountain standard; but here in this vast territory of the Mississippi Valley and the great Southwest and, if I may say so, to the east of that area, nothing can be found to compare with the great Rocky Mountain parks. Now, are we to say that there shall be no national parks unless they are out in one of the Rocky Mountain States? Are we to foreclose against other parts of the country?

I would have preferred rather than to designate this area as a national park to authorize something in the nature of a national recreation area, with a service that would enable the people of this vast area—Texas, Oklahoma, New Mexico, Arkansas, Missouri, Kansas, and all of that extensive country—devoid of anything like the strange beauties of nature found in the Rocky Mountains, to get a full measure of enjoyment out of what they have with roads built by the National Park Service or the Forest Service, permitting the people of those States to go up into these mountains and follow the streams and enjoy camping places provided by the service, and thereby to preserve and make practical and wholesome use of this very unique mountain and wooded area, surrounded by a vast territory that is flat and level and almost devoid of natural changes and breaks which gladden the hearts and eyes of men.

Mr. BOWMAN. Will the gentleman yield?

Mr. LETTS. My thought has always been that we could well afford to make some characterization, something different from that designated as a national park, if you please, and give the people in areas like the Ouachita Mountains the opportunity to enjoy the grandeur of nature that has been placed for them, ever though it does not compare with the areas out West. It means, perhaps, a classification of parks and should involve a policy which meets the requirements of the whole country.

I yield to the gentleman from West Virginia.

Mr. BOWMAN. What are the physical characteristics of this territory?

Mr. LETTS. The physical characteristics are unique in many respects. There are found many varieties of trees and foliage and flowers, and as it is proper to distinguish one area for one thing and another for something else, the Ouachita Mountain area has its distinct charms.

Mr. CLARKE. Will the gentleman yield?

Mr. LETTS. Yes.

Mr. CLARKE. Are not all of these facilities now available under the National Forest Service?

Mr. LETTS. No; there are no suitable roads, there are no camping places provided, and the National Forest Service does not care to render the service it might. Out in the West the Forest Service has done a great deal; it has established camping spots and invites the people to come there, but it is not done in the Mississippi Valley, and the Southwest is entitled to something of this public service. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. COLTON. Mr. Speaker, I yield 10 minutes to the gentleman from Arizona [Mr. DOUGLAS].

Mr. DOUGLAS of Arizona. Mr. Speaker and Members of the House, I shall preface what I have to say in opposition to this bill by the statement that I have not been in the area. I was requested to go with the Committee on Public Lands, of which I am a member, but I felt, and I think quite justly, that unless a person could spend weeks within the area and make a complete examination, do it thoroughly, so as to arrive at an intelligent opinion of his own, it would be infinitely wiser to investigate the report of experts on the subject and examine topographical maps. So what I have to say is not predicated on personal observation, but rather upon observation by those who are considered to be—in fact, are acknowledged to be—experts on the subject.

The issue is not whether there should be a recreational area established in the State of Arkansas. It is not whether this particular area included within the central part of the United States should have a playground. The fundamental issue is, Does this particular area measure up to the standards and requirements of the National Park Service as established by a policy of 50 years' standing?

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I will be delighted to.

Mr. JOHNSON of Oklahoma. Has the gentleman ever visited this particular area?

Mr. DOUGLAS of Arizona. I have just spoken about that for about three minutes. The fundamental issue is, Does this particular area measure up to the standards and requirements of a national park?

That leads naturally to the question, What is a national-park standard? What are the requirements for a national park? An area to be set aside as a national park should have in it some distinctive—some scenic—feature of outstanding grandeur, some extraordinary natural phenomenon. I need only cite a few cases, which will probably be more effective in defining national-park standards or requirements than any verbal definition.

The Grand Canyon of Arizona was set aside as a national park, first, because of its extraordinary beauty—remarkable colors in the canyon—and because it is in an example of erosion unequaled in the world.

The Yosemite Park, Calif., was set aside for the general public because, silhouetted against the snow-capped Sierras, there are great granite monoliths rising thousands of feet perpendicularly from the floor of the valley.

The Yellowstone was set aside because of the variegated colors to be found, and because of the unique effects of the action of thermal waters.

I could go on and enumerate the parks—every national park—and cite the existence within each of these parks of some natural phenomenon which is peculiar and extraordinary and not to be found elsewhere.

That, then, is the definition of national-park standards or requirements. A mere demand for a recreational area does not come within the scope of national-park standards or requirements.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I yield to the gentleman.

Mr. STRONG of Kansas. The gentleman speaks of a national-park standard. What is the standard for national parks?

Mr. DOUGLAS of Arizona. I have just been talking about that for three or four minutes.

The question is, Does this particular area measure up to the requirements? What is there in the area? A geologist of the United States Geological Survey has testified that there are sediments, folded and deformed, standing on end. If that be anything extraordinary, then the person who cited them can not have had much experience traveling throughout the country.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. JOHNSON of Oklahoma. Has it not been brought out that there are 57 varieties of trees in this area?

Mr. DOUGLAS of Arizona. I shall come to that in a moment. If sediments standing on end be considered as falling within the requirements of national parks, then I can show every Member in this House at least three areas in my State on the desert where sediments 200 feet or more in thickness are deformed, folded, and standing on end in the middle of a cactus forest. Yet I do not think, nor would anyone else think, that that particular area should be set aside as a national park. It has been claimed that there are 57 or more different flora in this Ouachita area and that because there are that many the area comes up to the requirements of a national park. In a similar area or an area of similar size, on the desert, I can point out over a hundred different flora and yet no one here would contend that any portion of the Great American Desert should be set aside as a national park.

Mr. CLARKE. Mr. Speaker, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. CLARKE. Does the gentleman not think that the very number itself, 57, suggests a variety of pickles more than it does nature's laboratory?

Mr. WILLIAM E. HULL. Mr. Speaker, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. WILLIAM E. HULL. Would it not be a good thought to spread these parks out a little bit and put some of them in other parts of the country than the West?

Mr. DOUGAS of Arizona. I am in hearty accord with the theory of setting aside recreational areas scattered throughout the United States, but I am not in favor of passing any legislation which will result in the degeneration of our national-park standards. [Applause.]

What is there, then, within this area? The lowest elevation is between eight and nine hundred feet. The maximum elevation is 2,450 feet. The maximum difference in elevation can not, therefore, exceed 1,550 feet. Surely a rise in elevation of only 1,500 feet, and not an abrupt rise, as indicated by the topographical maps, can not be considered as being an outstanding feature. I submit that the evidence of the experts is adverse to setting this area aside as a national park. There is nothing in the area which distinguishes it sufficiently to justify its being set aside as a national park, and I trust that the House will not pass this legislation. I trust that the House will not set a precedent which will as the years go on result in a complete and thorough degeneration of the national-park standards which have been established through the course of a half century of our history. [Applause.]

Mr. HILL of Washington. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Speaker and Members of the House, I had not thought of saying a word on the pending legislation until a moment ago, and had not asked for time, but as a member of the Public Lands Committee, who attended practically all of the hearings, I just want to make a brief statement concerning this proposed national park bill. I have been amazed at some of the propaganda and misinformation that has gone out against this measure. These untruths were broadcasted by one who never visited this proposed park, a man who knows nothing about it, with the deliberate intention of misleading Members of Congress into voting against this bill. I openly charge that statements in the propaganda sent you against this proposed park are false, and the author knows them to be untrue. I do not refer, of course, to any Member of Congress, but I am speaking of an outsider, who sent this propaganda to you and has declared, among other things, that he was not permitted to be heard before our committee in opposition to the pending bill. As a member of the Public Lands Committee I know our committee heard all who asked to appear for and against the proposed park. I assume that the gentleman who now complains did not wish to testify, else he would have done so. The fact is, he knew nothing about the matter. I know further that the most courteous treatment was given every one who appeared or who desired to do so.

I am not surprised that the able and distinguished gentleman who just preceded me, my good friend from Arizona [Mr. DOUGLAS], is opposed to this kind of legislation. I realize full well that gentlemen who have parks do not desire competition. The gentleman from Arizona evidently believes that the thirty to forty millions of people in the southwestern part of the United States are not entitled to a park; that our people ought to go to Arizona; but may I call attention to the fact that neither the able gentleman from Arizona nor anyone else who has spoken thus far in opposition to this measure has even so much as seen this wonderful spot of scenic beauty. They have never seen those beautiful falls and gazed at those wonderful mountains. No, gentlemen, the opponents who have raised their voices thus far against this bill really know nothing firsthand about it. Yet they come here and tell you that it is not unique. They say it is not standard. The opponents of this measure make much ado about national-park standards. The gentleman from Kansas has asked the opposition to state what a national park is, and it seems they can not agree on what it is or ought to be. Let me suggest that they ought to get their heads together on this overworked and much-abused statement. [Applause.]

Might I not suggest for your consideration that a national-park standard in one part of the country is not at all the standard in another. May I add further in this connection that practically every member of the committee who saw this beauty spot agreed that it is not only standard but that it can be matched nowhere in the country.

I realize full well that certain departments at Washington—and I refer especially to the Forestry Service—is very much opposed to this legislation. I have no quarrel with this or any other department of Government, but I submit for your consideration that the people of the great Southwest, aggregating some thirty to forty millions of people, should be given consideration. Our citizens down Southwest in Arkansas, Oklahoma, Texas, and Louisiana are not jealous of those of you who have parks. But our farmers and wage earners can not possibly go to visit them. The United States Senate has passed this bill unanimously. The Public Lands Committee, after extensive hearings, made a favorable report. I appeal to you not to deprive our people of this park which they want and so richly deserve. [Applause.]

Mr. COLTON. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Speaker, the people of the southwestern part of the United States are unquestionably entitled to consideration by this House. I believe that they are entitled to a recreation area, but I do not believe it would be wise to put the national park label on everything that is set apart as a recreation area, irrespective of its scenic beauty and its outstanding features that will attract the attention of the world.

For a good many years a national-park policy has been forming. Its development has been slow, and some of the parks created early can hardly be said to conform to the standards which now ought to be maintained. Stephen Mather, for a good many years Director of the National Park Service, appointed first by his college chum, Franklin Lane, Secretary of the Interior in the administration of Woodrow Wilson, is the man most of all responsible for the development of a high standard. It has been my good fortune to be somewhat closely associated with him and to have visited not only areas that are now included under the supervision of the National Park Service but others that were being contemplated. One of the principles involved in the national park policy at the present time is that there ought not to be duplicates. We have the Grand Canyon of Arizona, the greatest example of erosion that is known to the students of the surface of the earth. We have the Yellowstone, with its geysers and hot springs, not paralleled anywhere in the United States. We have the volcanoes in the Hawaiian Islands, we have Mount McKinley in Alaska, we have Glacier National Park, and the Crater Lake Park. Recently we have set apart a most remarkable wooded area where, I believe, the best surviving example of hardwoods found in all of the United States can be found, down in the Great Smokies, where we were told by the botanist of the exposition that there are 108 varieties of hardwood timber.

I believe, from the examination of all the evidence that I have been able to get—photographs, topographic sheets, records of the Forest Service—that there are many places in the United States both in the Appalachian Mountains and in the Rocky Mountains where more impressive and more beautiful mountain scenery is found than in this proposed mountain area.

As a recreational area I would be in favor of it. The National Forest Service sets apart recreational areas, with camps and hotels meeting the requirements of visitors and tourists, I think, in many respects just as well as the National Park Service. The region now under consideration might well be such a recreational area, but it has no great outstanding scenic feature, there is no great outdoor museum to be preserved.

A recreational area for all of the people of the United States? Yes. [Applause.] But if you put the national-park label on this area, if we adopt the principle of selecting national parks in accordance with the idea of geographical distribution, it will not be long until we are considering a bill that is already pending before the committee, to establish a national park in every State of the Union in which a national park does not now exist. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

SELECT COMMITTEE ON CAMPAIGN EXPENDITURES

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent that the Select Committee on Campaign Expenditures may have from March 1 to March 3 in which to report.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that the Select Committee on Campaign Expenditures may have from March 1 to March 3 in which to report. Is there objection?

There was no objection.

OUACHITA NATIONAL PARK, ARK.

Mr. COLTON. Mr. Speaker, I yield to myself the balance of the time.

The SPEAKER pro tempore. The gentleman is recognized for six minutes.

Mr. COLTON. Mr. Speaker and Members of the House, my interest in this matter lies in my desire to bring the issues

squarely before you in such a way that your decision will decide between two policies. When I shall have done that I shall have performed my duty.

The Government has followed the policy since 1872 of setting apart areas for park purposes because of something distinctive in those areas. Do not confuse distinctive with recreational features. We are asked to embark on a policy of establishing national parks in accordance with geographical location or on some theory of local distribution. If that is the policy you desire, you can register your vote in favor of that policy by voting for this bill. There are now pending in the Public Lands Committee some 12 bills to establish national parks in every State in the Union. If that is the policy to be adopted, we should enact this bill to-day. If not, we ought not to open this Pandora's box and create all these parks. National parks have been created on the theory of preserving something distinctive in nature and not on the theory of local desires.

The question was asked over here, Do we want park areas for the West and not for the Middle West? Not at all. There is one park now in Arkansas, one distinctive and unique area, which is really worthy of preservation as a national park.

But we have not proceeded on that theory of general distribution. We have proceeded on the theory that we would have something inspirational, distinctive, or outstanding. I have been over this area. I have gone through it by automobile, and I have flown over it by airplane. I want to be frank and say two things: First, it is a beautiful wooded area; and, second, the people of that section are entitled to a recreational center. I have offered time and time again to join in a movement to secure an appropriation to create there a great recreational center. But we ought not to label it "national park" if we are going to have the term "national park" mean something distinctive in the United States.

Moreover, the Forest Service is now expending large sums of money in building roads in that area and are spending money in providing camps.

I speak as one who has lived in an area where there are forest reserves, and I assert that the Forest Service can better supervise the recreational features of this area than can the Park Service. The Park Service could undoubtedly preserve the area as a park alone, but the Forest Service can also arrange for recreational features and encourage them just as well as the Park Service. That is all there is to it.

If we want to engage in the policy of selecting parks by reason of geographical location and recreational centers, then we ought to vote for this bill. We can make of it a recreational center without making it a park. If we believe a park should be something distinctive or unique we ought not to put the stamp of approval on this bill and say that national parks shall not mean something distinctive and that those who visit a national park need not expect to see something new and unique. There are beautiful flowers and beautiful trees in this area, and there are mountains, yes; but I do believe honestly, Members of the House, that you can go to a hundred places in the United States and duplicate this area so far as scenic beauty is concerned.

Mr. LETTS. Will the gentleman yield?

Mr. COLTON. For a brief question.

Mr. LETTS. Will not the defeat of this bill give encouragement to the Park Service and the National Forest Service to believe that their policy of excluding everything that does not reach their standard has the approval of this Congress?

Mr. COLTON. I am glad the gentleman asked that. No; it will not, but if their standard is correct it ought to have the approval of Congress. We have always required the examination of an area, either by a commission or have accepted the recommendation of Park Service experts. The Great Smoky area was examined by a commission; the Appalachian Park was examined by a commission, and we have never acted except upon the report of park experts or a commission created by this Congress. We have, in some cases, acted upon the recommendation of the Interior Department. The Interior Department is against this bill and so also is the Department of Agriculture. We have had no commission examine it, and we must decide to-day whether or not we are going to inaugurate an entirely new policy in the creation of national parks.

Are we to embark on a policy of building without plans and without an architect? That is what this means. We should appoint a commission to study the area and make a recommendation. There should be cooperation if we are to build a great park system and we should not create a park without careful consideration and should, as far as possible, work with those whom we intrust the responsibility of administering our parks.

The great civic organizations who are laboring to maintain the standards of our parks are all against this bill. Let us not disregard the recommendation of practically every expert in the country.

The SPEAKER pro tempore. The time of the gentleman from Utah has expired.

Mr. HILL of Washington. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. I wish I had the time and the strength to answer the misleading propaganda that has inspired a lot of telegrams and letters that have come to you gentlemen against this proposal, but I have neither. The man who inspired it has never seen the area. He has issued and sent to each Member of the House a slanderous attack not only upon the committee but upon me, among other things, saying we would not let him be heard. I and one member of the committee objected to his being heard except in person, so that we could question him about the false statements he had made, but we could not get him to appear. But enough about that.

What does this bill do? Is it local? Does it come up to the park standards? That is what you want to know. These are some of the objections.

The people of Louisiana, Texas, Arkansas, Oklahoma, and that area comprising 44,000,000 people do not envy the parks in the States of the gentlemen who signed this minority report, but they say to those gentlemen, "We can not all go out to your national parks in the Rocky Mountains, and you should not be selfish; give us this distinctive beautiful mountain area that is within one or two days' travel of us 44,000,000 people so that in the coming years, when the crush of industry that is sweeping into the Mississippi Valley shall demand that we shall be able to get out not only of the Mississippi Delta and the swamp lands of eastern Arkansas and of Texas and of Louisiana but out of the mills and factories, that those of us who are not able to go and view the bald peaks of the Rockies may go and view these wonderful mountains that are unsurpassed in the world in scenic beauty."

This is admitted by every man who has ever seen them who is impartial. I have been to Nikko, in Japan, and standing on her mountain heights have marveled at the view. I think the only thing comparable that I have ever seen to this Ouachita Mountain Range are the mountains of Nikko in Japan, said to be the most beautiful park in the world.

Oh, no, gentlemen, this is no freak. We have no 5-legged calf which we ask you to make a national wonder. If this had a freak geological formation like the Garden of the Gods, we would have had this made a national monument; but it is an ideal natural park, with beautiful timber and foliage clear to the crest of the wonderful mountains, wonderful stone cliffs, wonderful waterfalls, distinctive of that region, the highest range that lies between the Rocky Mountains and the Appalachians. Compare it with something else? You can not do it. Why, parks in beauty are just like women—they are of different types; no two of them exactly alike; but they are all beautiful. This may not be a Rocky Mountain brunette, but it is a Mississippi Valley blonde. [Applause.]

It is formed of novaculite, the only novaculite formation in the United States or on the American continent, so the United States Geological Survey reports. At the hearing I challenged gentlemen who opposed it to name one distinctive feature of the Shenandoah or of the Smoky Mountains that could not be matched by this area, and they could not do it.

Heights are relative. Two thousand seven hundred and sixty feet is high to those people who come from the swamps of Louisiana and eastern Arkansas and eastern Texas or from the plains of Oklahoma.

Oh, they say, develop it as a recreational area. This has been the red herring that has been drawn across the trail for two years in an effort to defeat this bill. The only development, except a few trails, that has been made has been made by the people of Arkansas in that area. Five dollars and fifty cents was spent out of the funds of the Forest Bureau and that was for a wonderful folder describing the scenic beauty of this range which I wish I had the time to read to you.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. HILL of Washington. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. WINGO. Gentlemen, this bill passed the Senate unanimously after two hearings and a hard fight in the Senate committee. All but four or five gentlemen on the Public Lands Committee of the House approved this bill after two years of hard fighting and long repeated hearings. We do not ask it as a local proposition for Arkansas, but Texas, Arkansas, Louisiana, and the whole Mississippi Valley, with this great distinctive mountain range lying just near that great city national park, the Hot Springs health resort, should be given this park.

The gentleman from Utah admits that it is all right and says, "I am willing to give it to you except that I do not want the name park to be used." He is objecting to the name. They simply do not want competition with the parks of Utah, Montana, and Wyoming.

Why, the whole fight has come from two sources, the concessionaires in the national parks in the Rocky Mountains and the timber men who sent telegrams here saying they want the timber in these mountains. We want to preserve this timber and all the natural scenic beauty of the region for future generations, and the way to do it is to transfer it to the Park Service.

Gentlemen, we have won the fight upon its merits. We have made our case after lengthy hearings where the opposition was fully heard. We satisfied the Senate of the United States unanimously. We satisfied the Public Lands Committee of the House of Representatives, all but four Republicans and one Democrat. You can rely upon such a record, can you not, and approve the judgment of the committee after a long fight and a long hearing?

I ask for a vote. [Applause.]

Mr. COLTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COLTON. I am sure that the Committee on Public Lands has recommended a bill that is amended. Now, if the previous question is ordered, may we have the bill as amended or will it be on the bill as it was introduced?

The SPEAKER. On the Senate bill.

Mr. WINGO. The Senate bill is exactly as the House committee reported it, line for line. If you vote for this bill it will be the identical bill that the House committee recommended.

The SPEAKER. By agreement the previous question is ordered. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. COLTON) there were 164 ayes and 71 noes.

So the bill was passed.

On motion of Mr. HILL of Washington, the motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

WINDING UP THE AFFAIRS OF THE WAR FINANCE CORPORATION

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5684) to amend the War Finance Corporation act, approved April 5, 1918, as amended.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read the bill, as follows:

An act (S. 5684) to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes

Be it enacted, etc., That the War Finance Corporation act of April 5, 1918, as amended be, and the same is hereby, further amended so that at the close of April 4, 1929, the liquidation of the assets remaining at that time and the winding up of the affairs of the corporation thereafter shall be transferred to the Secretary of the Treasury, who for such purpose shall have all the powers and duties of the board of directors of the corporation under said act, as amended. For carrying out the provisions of this act the Secretary of the Treasury may assign to any officer or officers of the United States in the Treasury Department the exercise and performance, under his general supervision and direction, of any such powers and duties. He shall from time to time pay into the Treasury as miscellaneous receipts any moneys belonging to the corporation which, in his opinion, are not required for carrying on and completing the liquidation of its remaining assets and the winding up of its affairs, including reasonable provision for the further expenses thereof. Nothing in the said act, as amended, or this act, shall be construed to affect any right or privilege accrued, any penalty or liability incurred, any criminal or civil proceeding commenced, or any authority conferred thereunder, except as herein provided in connection with the liquidation of the remaining assets and the winding up of the affairs of the said corporation, until the Secretary of the Treasury shall find that such liquidation will no longer be advantageous to the United States and that all of its lawful obligations have been met, whereupon he shall retire any capital stock then outstanding, pay into the Treasury as miscellaneous receipts the unused balance of the moneys belonging to the corporation, and make the final report of the corporation to the Congress. Thereupon the corporation shall be deemed to be dissolved.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. McFADDEN, the motion to reconsider the vote by which the bill was passed was laid on the table.

PRINTING HEARINGS ON THE BILLS H. R. 7895 AND H. R. 11806

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Concurrent Resolution 37, providing for the printing of additional hearings during the Sixty-ninth Congress on the question of the stabilization of the price level of commodities, and concur in the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table House Concurrent Resolution 37, and concur in the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection?

Mr. BRAND of Georgia. Reserving the right to object, how many copies have been already published?

Mr. McFADDEN. I understand 2,000, and this provides for 5,000.

Mr. BRAND of Georgia. What was that second provision?

Mr. McFADDEN. That was to increase the number of copies of the last bill. There will be 5,000 copies of each available.

Mr. BRAND of Georgia. When does the gentleman expect to call up the Norbeck bill, proposing an amendment to the Federal farm loan act in respect of loans made to citizens of Porto Rico?

Mr. McFADDEN. If the Speaker will recognize me, I will call it up now, if the gentleman wishes.

Mr. BRAND of Georgia. I do not ask the gentleman to call it up now. I simply want to know when he will call it up. I want the information, if the gentleman will give it to us.

Mr. McFADDEN. I do not want to avoid the question, and I will call it up any time.

Mr. BRAND of Georgia. Will the gentleman call it up to-day or to-morrow?

Mr. McFADDEN. I will attempt to do it to-day.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

Mr. McFADDEN. Mr. Speaker, by direction of the Committee on Banking and Currency I call up from the Speaker's table the bill S. 5302, a similar bill (H. R. 13936) being on the House Calendar and which passed the House January 21, 1929.

The Clerk read the bill, as follows:

An act (S. 5302) to amend the second paragraph of section 4 of the Federal farm loan act, as amended

Be it enacted, etc., That the second paragraph of section 4 of the Federal farm loan act, as amended, is amended to read as follows:

"The Federal Farm Loan Board shall establish in each Federal land bank district a Federal land bank, with its principal office located in such city within the district as said board shall designate. Each Federal land bank shall include in its title the name of the city in which it is located. Subject to the approval of the Federal Farm Loan Board, any Federal land bank may establish branches within the land bank district. Subject to the approval of the Federal Farm Loan Board and under such conditions as it may prescribe, the provisions of this act are extended to the island of Porto Rico and the Territory of Alaska; and the Federal Farm Loan Board shall designate a Federal land bank which is hereby authorized to establish a branch bank in Porto Rico and a Federal land bank which is hereby authorized to establish a branch bank in the Territory of Alaska. Loans made by each such branch bank shall not exceed the sum of $25,000 to any one borrower and shall be subject to the restrictions and provisions of this act, except that each such branch bank may loan direct to borrowers, and, subject to such regulations as the Federal Farm Loan Board may prescribe, the rate charged borrowers may be 1½ per cent in excess of the rate borne by the last preceding issue of farm-loan bonds of the Federal land bank with which such branch bank is connected: *Provided*, That no loan shall be made in Porto Rico or Alaska by such branch bank for a longer term than 20 years."

Mr. BLACK of Texas. Mr. Speaker, I make the point of order that the bill is not privileged, and I would like to be heard for a moment.

The SPEAKER. The Chair would like to know the exact circumstances.

Mr. BLACK of Texas. This is a Senate bill that increases the loan limit of any one Federal farm loan in Alaska and Porto Rico from $10,000 to $25,000. The House, in a bill which we recently passed, increased the loan limit from $10,000 to $15,000.

Clause 2 of Rule XXIV reads as follows:

But House bills, with Senate amendments thereto which do not require consideration in the Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills, substantially the same as House bills.

Mr. Speaker, the very essence of this bill is the loan limit. The present loan limit for Alaska and Porto Rico under the Federal farm loan act is $10,000. The House Committee on Banking and Currency reported out a bill which the House passed raising that loan limit from $10,000 to $15,000. The Senate bill which the gentleman from Pennsylvania [Mr. McFADDEN] has asked to be called up seeks to increase the loan limit from $10,000 to $25,000. I submit that inasmuch as the very essence of the bill is the amount of the loan limit, the bills are not substantially the same, and, therefore, the Senate bill is not a privileged bill. I feel that the House bill increasing the loan limit for Alaska and Porto Rico from $10,000 to $15,000 for any one farm loan should be adhered to. Those Territories are somewhat remote from the United States, and I feel that we should not be too hasty in increasing the loan limit.

The SPEAKER. The question is as to whether those bills are substantially the same. It occurs to the Chair, although he is not familiar with the circumstances, that the limit of the loan is quite fundamental, and as there is the difference between $25,000 as the limit in one bill and $15,000 in another, the Chair feels that the bills are not substantially the same. The Chair sustains the point of order.

ADDRESS OF HON. GEORGE C. PEERY

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing therein an address delivered by our colleague the gentleman from Virginia [Mr. PEERY] when acting as temporary chairman of the Democratic State convention held in Roanoke, Va., on June 21, 1928.

The SPEAKER. Is there objection?

There was no objection.

Mr. MONTAGUE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address, delivered by Hon. GEORGE C. PEERY, temporary chairman, before the Democratic State convention at Roanoke, Va.:

THE SPIRIT OF DEMOCRACY

We meet to-day to take stock of our political situation and to plan for the future. We come together not only as members of a great political party but as citizens of a great State and a great Nation, to deliberate for the good of the Republic. Political unrest is abroad in the land; a limited number, who happen to enjoy special privilege and governmental favor, prosper; while economic distress is the portion of the farmer and unemployment is the lot of many. Corruption has appeared in high places, official integrity is under suspicion, and faith in popular government is being tested and sorely tried.

Government must be administered through the agency of political parties. There are but two major political parties to-day. One of the two must perform this function. In this solemn hour, in the light of past experience and in consideration of the actualities of the present, to which of the two parties may the people of this Republic look for guidance, and to which one should they intrust the administration of the affairs of government? When called to power in the past the Democratic Party has responded with a record of splendid achievement. We confidently maintain that it offers to-day the surest hope for the solution of the problems of the present and for the honest and efficient administration of the Government in the future.

The need for the application of the principles of Democracy to the affairs of our National Government was never greater than it is to-day. In our early history it was a conflict between two theories of government—Jefferson, the founder of Democracy, believed in the rule of the people; Hamilton, the pioneer in Republicanism, believed in the rule of the few. Jefferson advocated the largest measure of local self-government. Hamilton advocated a strongly centralized national government. Democracy demands equal rights for all and special privileges to none. Republicanism stands for a distribution of special privilege to the favored few. It believes in allowing the privileged few, under the processes of law, to exact toll from the many. Jefferson won his fight for popular government and Democracy. But the conflict did not end there. A little later on, and still in his lifetime, it was renewed. An organized and defiant money power sought to perpetuate a banking monopoly upon the people of the Nation; and Andrew Jackson, the crusader from Tennessee, took up the challenge, rallied the legions to his cause, and won another glorious victory in the cause of the people.

But the conflict in other ways continued and is with us with unabated vigor to-day. The proponents of special privilege, like the poor, are always with us. They neither slumber nor sleep. They are as insistent in their demands for special favor to-day as of old. And the call to battle in the cause of the people is as urgent to-day as it ever was in the past.

The Democratic Party is a free party. It is unfettered by embarrassing obligations. It owes no governmental favor to any group or class. It is free from any strangle or under hold. Its animating desire is to protect the interests of the Nation and to insure honest and good government to the people as a whole.

Its record in the past is the surest guaranty of its ability and purpose to give to the American people honest and efficient service in government. We need to look only to the record of recent years.

In the elections of 1912 the American people committed the affairs of our Government to the Democratic Party. Quickly following the accession of our party to power began a record of legislative achievement unexcelled by any like period in all of our history.

Men of wealth and large income had not, in the past, borne their just share of the tax burden. The Democratic Party gave to the country, under proper constitutional amendment, the income-tax law. Under it the principle of the graduated income tax became a permanent part of our national taxing system. As a result, the man of large income contributes proportionally more to the expense of Government than the man of small income.

The business men of our country had suffered from time to time from financial panics. In times past they had been told that there was no such thing as a panic under a Republican administration. But panics occurred and there was no possible chance to pin a Democratic label on them. They were beyond doubt Republican panics under Republican rule. A notable one was the panic of 1907 under a Republican administration. It was aptly termed a bankers' panic. These recurring panics were mainly due to the inelastic and antiquated money system that had prevailed throughout the long years of Republican rule. Complaint had been made and relief had been demanded; but the Republican Party failed to bring to the American people this much-needed relief. The Democratic Party met this issue and solved the problem. Under the leadership of a great Virginian, then a Member of the lower House, later Secretary of the Treasury, and now a United States Senator, the Federal reserve system was enacted into law.

It was enacted in the face of bitter opposition at the hands of the moneyed interests of the country. It is now with general accord acclaimed as one of the greatest pieces of constructive legislation ever enacted into law. It stood the stress of war. And there has been no bankers' panic since that time. For the enactment of this measure into law and the benefits that have flowed therefrom, the American people are indebted to the Democratic Party.

Under the leadership of another great Virginian, our beloved senior Senator, whose influence is probably unexcelled by that of any other Member of that body, the Democratic Party gave to our people the Federal good roads law, which helped to quicken a constructive road-building program throughout the Nation and to bring to the people the comforts and blessings that come with good roads.

During the years of Republican rule the farmer had justly complained that the Government had not placed him upon a plane of equality with the average business man. He could not borrow from national banks upon the security of his land alone, the best and most stable security of all. He had complained at this discrimination, but the Republican Party had brought to him no relief. The Democratic Party met this problem also, and solved it, and the Federal farm loan act was enacted into law. Under it the farmers of our country may borrow from the Federal land banks money at a fair interest rate upon long time and upon the security of their lands alone. This law, given to the farmers by the Democratic Party, helped to deliver them from the oppressions of the usurer and brought to them the belated justice that they deserved.

The Republican Party had not given to the laboring man the recognition that he deserved. There was no official spokesman for him in the official family of the President. The Democratic Party brought to him the recognition that was his due. It created the office of Secretary of Labor, thereby giving to the laboring men of the country a representative in the President's Cabinet.

It also enacted into law the Clayton amendment declaring that labor was not a commodity and freeing it from the provisions and penalties of the antitrust laws.

The Democratic Party has been the steadfast friend of the workingman.

It enacted a law creating the Tariff Commission in order that a scientific study of the tariff schedules and recommendations touching the same might be made by a commission charged with this special duty.

It drove from the National Capital a corrupt lobby which infested the halls of Congress for the purpose of influencing legislation in behalf of special interests.

Many other constructive measures were enacted into law during this period of Democratic rule which proved to be for the good of the country and the betterment of our people.

And throughout this period of Democratic rule and splendid achievement prosperity smiled upon our land. It came not to a privileged few but to all. It came to the business man, to the farmer, and to the laborer. All classes of our people enjoyed its blessings.

And during this period of Democratic administration America was called to face the greatest struggle in all of our history. It was the emergency of war, the greatest war of all time. We held aloof as long as it was possible with due regard to our national honor, but at last we were forced to enter the conflict to help save the civilization of the world. We were compelled to send force to meet force and without stint. The force of American arms was quickly felt. A draft law was passed which included rich and poor alike, and which was enforced with justice and impartiality. The resources of the nation were mobilized with incredible swiftness.

We sent food and fuel, money and ships, to our European allies. In two months after declaring war our soldiers were on the battle fields in France; and a year had scarcely passed until more than 2,000,000 soldiers, the flower of American manhood, had been sent overseas in ships convoyed by the American Navy without the loss of a single life. They brought new hope to the embattled soldiers of England and France. They proved to be the most potent factor in turning the tide in favor of the Allies and in bringing glorious victory to the allied cause.

This period was marked by brilliant and mighty achievement. It stood forth in happy contrast with other previous war periods in our history in its freedom from graft or corruption or scandal on the part of any responsible public officials. The whole record withstood the white light of investigation at the hands of some 50 investigating committees appointed by a later Republican administration, and stands forth an unsullied record of honesty and integrity.

Throughout this period, as in other periods, the Democratic Party demonstrated to the world its fidelity to great principles, sound economics, and honesty in government. It proved its greatness by great achievement. It gave to our country unexcelled leadership. In all those days of emergency, stress, and conflict there was a great pilot in charge of the ship of state who successfully charted our course through the storm of war to victory, and who, by his leadership, brought to America the leadership of the world. Born a Virginian, Woodrow Wilson became one of the world's immortals.

Our people during the war followed him with a fine spirit of unselfishness, self-sacrifice, and splendid idealism. We fought without thought of material reward or hope of enlarged domain.

But after victory came reconstruction; and with it came a spirit of captious criticism that so often follows in the wake of great emergency. Under the spell of its influence the people decreed a change in parties and the Republican Party resumed control in 1920.

And what an unfortunate change it has proved to be! A spirit of materialism asserted itself. Selfishness stalked forth with all its sordid demands. The privileged few renewed their demands for special favor. Efficiency gave way to inefficiency. Honesty was supplanted by corruption and graft in official life. It was not merely bribery, corruption, and inefficiency on the part of subordinate employees and officials of the Government, but it was bribery, corruption, and inefficiency on the part of many high in authority—some of them members of the official family of the President.

The Republican Party of Virginia celebrated St. Patrick's Day by holding its convention in this city on March 17. I read with interest the press reports of its proceedings.

They declared for honesty in government. Not only did they declare for honesty, they demanded honesty. The headlines of their platform in bold black letters were: "Honesty in government is demanded by Virginia G. O. P." I read from the text of the platform adopted and near the head of it appears this sentence: "The American people, regardless of party, expect and demand honest government." And then just a little further on I read this amazing sentence: "The present administration of the Government is one of the cleanest in our history.'

Only two days later a great Republican Senator on the floor of the United States Senate, Senator BORAH, of Idaho, in describing certain conditions under this administration, uttered this burning language:

"It has been said this afternoon that this investigation and the corruption which it has disclosed has no parallel or precedent in our history. I doubt if it has any precedent anywhere; I doubt if anything of the same nature and kind has ever happened in any country. When one takes into consideration the purposes of the transaction, the attack upon the security of the Government itself, the high places in which the transaction occurred, and then the ignoble purpose for which the transaction was carried on, I do not know, Mr. President, of anything like it in the history of this country or of any other country.

"I have, as no doubt we all have, looked upon that scene in Rome painted by her greatest literary genius—the scene when Verres came home from Sicily laden with the wealth of a betrayed and plundered people, threatening senators, bribing judges, and conspiring against the very freedom of the city itself. I have read and reread, as no doubt we all have, the burning words of the most gifted tongue of the most eloquent race in history, Edmund Burke, when he raised Warren Hastings to that eminence of infamy from which he has never descended; for slimy, sordid, drab betrayal of a public trust, relieved of every element of vision or ambition, which sometimes adds fascination to crime, I know of nothing in the history of peculation to be compared in meanness of spirit and vulgarity of purpose with the group of men who met in the "little green house" in the very shadow of the Capitol in 1921 and 1922. There was the beginning of the carrying out of the deals which had been made earlier. Those men were there for the purpose of consummating a transaction which had for its purpose the acquiring of vast interests which belonged to the people of this country and which could only be acquired in violation of every rule of decency and every principle of government integrity."

And what are some of the outstanding cold realities of fact now established?

A Republican Secretary of the Interior, charged with the administration and preservation of the oil reserves of our Government, kept by former Presidents as inviolate for the safety and future defense of our country, was caught bartering them away for a money bribe. When suspicion arose there was no prompt or vigorous action on the part of the administration to ascertain the truth. But there was side stepping and shuffling and an attempt to thwart and suppress the development of the facts. It remained for a great Democratic Senator from the West, in the face of bitter administration opposition, to develop the truth and uncover the infamy. His work and service have been gloriously vindicated by a unanimous decision of the United States Supreme Court, declaring that the leasing of these oil lands was founded in fraud and corruption, and by a decree of that court the fraudulent leases were set aside and the valuable property was restored to the Government.

A Republican Attorney General, against whose appointment the patriotic press of the country protested, but for whom a Republican President vouched his personal assurance of responsibility and efficiency, brought the administration of his department into utter shame and disrepute. Under his connivance the administration of justice in his department was polluted by the slimy hand of the grafter and persons of the underworld. An investigation of this department was forced at the hands of another Democratic Senator, who sought to uncover the truth and place before the American people the facts. In retaliation, agencies of the Department of Justice, under the direction of this Attorney General, were perverted to assassinate and blackmail the character of the very Senator who forced the investigation; but he, too, was vindicated in a court of law and the unfaithful Cabinet officer was driven from office in shame and disgrace. Yet in the face of the startling facts that were uncovered the Executive, instead of booting him out with a righteous indignation, accepted his forced resignation with an expression of regret.

A Republican Secretary of the Navy who allowed the oil reserves to be corruptly bartered away by an associate Cabinet officer, even though he may not have been a part of the criminal conspiracy himself, was found guilty of such inefficiency in office as to demand his removal from office at the hands of an outraged public opinion, and he, too, was driven from office.

A Republican Director of the Veterans' Bureau, a personal friend of the Chief Executive who appointed him to office, was charged with the public trust of managing the funds and property which a grateful Nation had set aside for the care and comfort of wounded and disabled soldiers of the World War and their dependents. He was found guilty in a court of law of embezzling and misappropriating these funds and given a prison sentence for his infamy.

A Republican Custodian of Alien Property, to whom was intrusted the millions in money and property that were seized from aliens during the World War and held in trust by our Government pending a just disposition thereof was likewise found guilty of embezzlement and fraud in connection with his high office.

The Roanoke Republican platform admitted "deplorable breaches of public trust by a few persons." The record up to this time establishes corruption or inefficiency on the part of 33⅓ per cent of the President's Cabinet following the return of the Republican Party to power, the conviction and sentence of the head of the Veterans' Bureau and the Alien Property Custodian for embezzlement and fraud, yet they are pleased to term these "deplorable breaches of trust on the part of a few Republican officials." How much this percentage would have been increased had the patriotic crusaders and leaders in the Democratic Party been given a free hand in the making of these investigations is open to grave speculation.

Soon after the Republican Party under Harding returned to power the country was shocked by the disclosures of a Senate investigating committee as to the huge expenditures of money in a Republican primary election in the State of Michigan. It was proven that at least $190,000 was spent to bring about the nomination of Truman H. Newberry as the Republican candidate for United States Senator from that State. He was on the face of the returns elected; and by a partisan vote was given his seat with apologies. The committee reported that the expenditure of such excessive sums was "harmful to the honor and dignity of the Senate and dangerous to the perpetuity of a free government." Public resentment and indignation were so great against the offending Senator as to later force his resignation from the Senate.

More recent disclosures under the Coolidge administration as to the Republican primaries in the States of Pennsylvania and Illinois make

Newberry a mere piker and the amount expended in his behalf fades into insignificance when compared with the millions expended in these later and more modern Republican primaries in Pennsylvania and Illinois. In Pennsylvania the slush fund exceeded $2,777,000. In Illinois the evidence showed that they distributed nearly a cool million in helping the Republican boys to decide between themselves whom they desired as their candidate for the United States Senate.

And who stood sponsor for these outrageous doings? In Pennsylvania a Republican Secretary of the Treasury, who himself was one of the largest contributors and who openly boasted that such contributions were as virtuous as contributions to a church.

In Illinois the head of the greatest and most powerful Utility Trust in the United States contributed $125,000 to the campaign of the candidate who was then a member of the Public Utilities Commission in Illinois and charged with the responsibility of fixing the power and light rates which his company should be allowed to charge the people of Illinois.

In Pennsylvania the president of a manufacturers' association furnished $300,000 to the campaign fund of one of the Republican candidates.

These are facts of ominous import. Contributions of this character are not made in a spirit of philanthropy or from a sense of public duty. They are made with the very practical idea of securing a "friend at court" and of having a subsidized partisan to assist in the enactment of laws vitally affecting their own interests. They are the price of an underhold for special privilege against the public good.

VARE and Smith were given certificates of election, but so shocking were the disclosures to the public conscience that the Senate of the United States, controlled by a Republican majority, refused to allow them to take their seats in that body. The Senate committee which uncovered the oil frauds followed many devious trails. One of them led to a mysterious corporation, known as the Continental Trading Co. (Ltd.), organized in Canada by Sinclair and a limited number of other high and mighty associates in the oil game. The facts surrounding the transaction were shrouded in mystery. Desperate efforts were made by the parties in interest to suppress the facts. Two of the arch conspirators involved in the transaction, Blackmer and O'Neil, fled the country and sought sanctuary in France. Sinclair, under criminal indictment, refused to talk, and Stewart, the remaining chief conspirator, rather than disclose the truth subjected himself to the penalty of contempt. But the patriotic WALSH followed his quarry with unerring accuracy and relentless zeal.

Sinclair's Continental Trading Co., through a fraudulent purchase and resale of oil, netted Sinclair and his three associates more than $3,000,000 in fraudulent profits. A trail of Sinclair's portion of the loot disclosed that $230,500 in bonds arising therefrom followed a sinister path to the ignominious Fall. Another portion thereof, amounting to $260,000 in bonds, found its way into the National Treasury of the Republican Party.

And through a cryptic memorandum, dug up among the papers of a dead man's estate, containing the four short and significant words "Weeks," "Andy," "Butler," and "Du Pont," it was unearthed that Hays, the former Republican national chairman, after receiving the bonds, had parceled them out to high and mighty Republicans with the request that they dispose of them and contribute in like amount in order to cover up the sinister deal and have it appear that the contributions came from them rather than from the tainted vaults of Sinclair.

When these startling disclosures were uncovered to the public the country witnessed the spectacle of a Republican leader in the United States Senate calling upon members of his party to wash their hands from the stain and taint of fraud and return the tainted money which had been received from the man who had bribed the Cabinet official and despoiled the people of their property and rights, but the call fell on deaf ears, and the stigma and disgrace that came to the Republican Party in accepting such money from such a man, under such circumstances, continues to this day.

This Republican platform of March 17 commended the maintenance and extension of the civil service to promote efficiency in the service; yet it requires but a short memory to recall the fact, now of record in Congress, that under the artful guidance of the skilled political broker who was then and still is the Republican National Committeeman from the State of Virginia, post offices and other Federal offices in Virginia were disposed of, not according to merit even as between Republicans. They were disposed of at auction. But the auctions had to be handled with discretion, for according to the "Dear Ben" letters, also of record, these were very delicate matters; one had to "be very careful" about them in order to avoid "disrepute" and to preserve standing with the people and the administration. When we speak of these unsavory facts our uneasy friends of the opposition reply that guilt is personal and that the Republican Party should not be held responsible for the delinquencies of the individual members of the party. But surely if party responsibility means anything, a political party must be held responsible for the official misconduct and corruption of its own agents, the men whom that party itself, in discharge of its responsibility to the people, elevates to high public office; and where the facts disclose that a group of such men, high within the inner councils of the party, have been guilty of a series of fraudulent transactions and corrupt deals in official life, the American people will not accept the alibi that "guilt is personal," and absolve that party from responsibility and official blame.

Not only do we indict the Republican Party for corruption in high places, we further indict it for the pernicious system of favoritism fostered and practiced by it in the affairs of government.

The recent Virginia Republican platform condemned the recent Lake Cargo coal outrage, but its condemnation was directed against a law that would vest any such power in the Interstate Commerce Commission. The trouble was not in the law, as shown by the recent holding of a Federal court composed entirely of Republican judges, but the trouble arose from the application of political pressure by powerful and financially interested politicians who are within the charmed inner circle of this administration. They sought to pack the commission and effectuate a monopoly of the Lake Cargo coal trade on behalf of Pennsylvania in utter disregard of the rights of the coal producers of Virginia and her sister States, and the administration did not lift a hand to stay the proceeding but became a party thereto.

This administration continues its approval of the exorbitant schedules of the Fordney-McCumber tariff, under which the aluminum and other trusts are enabled to exact millions in tribute from the consumers of America. Rumors of rebellion in Republican ranks come thick and fast from the distressed agricultural sections of the West.

In all recent Republican national platforms the Republican Party has recognized the serious condition of agriculture throughout the country, and for eight long years it has promised relief to agriculture, but the farmer continues in the ditch. The exorbitant tariffs in behalf of the protected and privileged interests continue upon the things he has to buy. Bankruptcy has swallowed many and creeps a little nearer to the remainder with each succeeding year. After eight years of unfulfilled or broken promises to the farmer, it is high time for the Republican Party to either admit infidelity to its promise or inability to fulfill the same.

We condemn this administration for its action in devitalizing the Federal Trade Commission and converting it from an agency for the public good into a subservient instrumentality of the protected interests.

With the record of graft and corruption of this administration and the sinister facts laid bare to the public, can there be any doubt that the people of the Nation, who exalt honor and integrity in public life, will not rise up in their might, rebuke, and drive from power the political party which is responsible for these conditions and which gave high office to the group of men who have betrayed their trust, despoiled our people, and brought ignominy and shame to the Nation? The American people demand honesty in official life. They will be satisfied with nothing less at the hands of any political party in power.

But we are told that whatever may have been the delinquencies of this national administration, and however just the criticism of it may be, the administration has given to the country prosperity and that this should cover a multitude of sins. I have heard from Republican spokesmen on the floor of Congress at each succeeding session the cry of "Prosperity! Prosperity!" Of late years the cry has grown fainter and has found less frequent utterance. A note of discord, increasing in volume, has appeared in the Republican orchestra; and the cry of distress is unmistakably here. To the farmer, the laborer, and the man and woman in the ordinary walks of life the Republican cry of prosperity is like unto the cry of Rachel of old, who cried for her children, and would not be comforted, for they were not.

What are the facts to-day? More than 1,000,000 men out of employment and 3,000,000 more working only part time.

More than 2,000,000 persons have moved from the farms to the cities, towns, and villages each year since January 1, 1922. Hundreds of thousands of farmers have seen their homes and farms sold from them under mortgage or in foreclosure proceedings. Thousands of others have abandoned their farms because they could not make a living on them for themselves and their families.

In the last six years there were 2,944 bank failures as against 746 during the eight years of the Democratic administration.

The coal fields of Virginia are in the throes of depression and distress is the common lot of the producer and the miner.

If there be prosperity in our land to-day it is a spotted prosperity, limited to the favored few. It is not a prosperity that extends to the farmer, the laborer, and the masses of the people.

In happy contrast with the drab and besmirched page in our national life under this Republican administration is the record of Virginia under successive administrations of the Democratic Party. Throughout the long years in which the Democratic Party has administered the affairs of government in Virginia the record is strikingly free from graft or corruption in public office. The men who have been elevated to high office have discharged their duties with honor, integrity, and fidelity. Proud of the splendid part which Virginia played in the founding of the Republic, proud of her glorious history, her splendid traditions and the great contributions which she has made to the cause of liberty and

civilization, we are also proud of the unsullied record which she, under the guidance of the Democratic Party, has made in the cause of civic righteousness and honest government.

The present State administration has been marked by splendid achievement. Good roads are being built. The completion of the highway system is being pushed with vigor. Duplications in office have been abolished. Departments are being consolidated. Modern business methods are being applied in government. Greater economy and efficiency are being achieved and our tax laws are being modernized. The old State, at the border line where North meets South and South meets North at the gateway of the Nation's Capital, blessed by Providence with wonderful natural resources, a fine climate and a hospitable people, is attracting the eyes of America and new capital is coming to her borders. We stand at the threshold of an industrial awakening and an enlarged economic development and industrial prosperity.

With common consent we accord the praise therefor to our modest, virile executive, Harry Flood Byrd, who combines in happy fashion in his dynamic personality the ideals of the old Virginia with the keen business acumen of the new.

And so, fellow Democrats, the Democracy of our State and the Nation stands forth in the sunlight to-day. We are called upon for no apologies. We have nothing to conceal. We are unashamed and unafraid.

The blot of Republicanism, which hung like a pall over the ninth district for many years, was removed six years ago and that great district returned to the Democratic fold to which it rightfully belonged. The Democrats of that district are firmly resolved that they will not suffer it to return to the blight of Republicanism.

Throughout the State the Democratic skies are bright and the path is clear. In the Nation we return to battle to drive out graft and corruption in official life, to abolish special privilege and for a return to the fundamental principles of democracy and the restoration of the rights of the common people.

Are there timid hearts who say there are no outstanding issues? What greater issue can confront us than the issue of honesty and integrity in official life? If the political party to which the people intrust the responsibility of government is not to be held responsible for failure to place in high office in the Government honest men, the doom of our Republic is at hand. Let us sound the battle cry from every hilltop and on every plain to put down graft and corruption and exalt honor and integrity in official life.

Let us demand the dethronement of privilege in high places and the insistence upon equal rights and opportunity to all citizens under the law.

Let us insist that the making of laws and the administration thereof be not controlled by a limited oligarchy responsive to the interests of the privileged few. We need to man our Government with men who believe human rights stand above material things—men who can see beyond the skyscrapers of Wall Street and the smokestacks of Pittsburgh and visualize the needs of the laborer, the farmer, the consumer, and the unorganized common people.

Let us demand a revision of the tariff laws that will make it impossible for monopoly to hide behind them and pick the pockets of the people under the guise of law.

Let us advocate the enactment of such laws and the administration thereof as will enable the farmer to prosper in his own right and will place him on terms of economic equality with those engaged in other business and occupation.

Let us voice unrelenting opposition to the further growth of bureaucracy in the Federal Government at Washington. It crowds the pay rolls, promotes inefficiency, and increases the cost of government with each succeeding year.

Let us demand rigid economy in government to the end that the people who pay may receive a dollar's worth of service for every dollar in taxes paid.

Let us advocate that the energies of America be dedicated to the cause of permanent peace throughout the world, and that the Government of America may be so administered as to regain for her the moral leadership of the world.

Let us fight for a return to the fundamentals of Jeffersonian Democracy which have served as a sheet anchor in the past and are so vital to our needs to-day and are so essential to our national security in the future.

The duty immediately before us is to declare anew the creed of the Democracy of Virginia; to restate the principles for which we stand; and to voice our views upon the outstanding issues of the day. When that is done we will commission a delegation from our number to carry those principles and speak for us in the convention of the national Democracy soon to convene in a city of the South which was named in honor of a native son of Virginia.

Our delegates, bearing the commissions which we shall give them, will meet at Houston with the delegates of the Democracy from the other States of the Union to face the responsibilities and discharge the duties devolving upon a convention of the Democracy of the Nation.

Two major and outstanding duties will confront that body.

The chief of these will be to write a platform and declare the principles for which the Democracy of the Nation stands. Let us expect this duty to be performed with fidelity to the time-honored principles of Democracy and that the platform there to be promulgated will ring true in allegiance to the Constitution and regard for law and law enforcement.

I venture to predict that it will make clear that the sober judgment of the Democracy of the Nation will countenance no assault upon the eighteenth amendment to the Constitution. It was written into the Constitution by the votes of three-fourths of the States of the Union. It can be taken out only through the same solemn sanction and authority; and this will not be done.

The candidate who espouses to lead the hosts of Democracy must do so with Democracy's declaration on this question before him and with the covenant on his part to abide by the same.

And then will follow the duty of selecting from the many great Democrats under consideration the man who, in the composite judgment of the delegates of the convention, will, upon all of the issues now confronting the Nation, best lead the hosts of Democracy in the coming struggle.

We do not know upon whom the choice of leadership will fall. But it will surely fall upon some great Democrat of honor, ability, and integrity; and when chosen he will be entitled to receive the loyal support of the Democracy of this State and of the Nation. Among the number under consideration for the high honor are great men who, like the stars in the heavens, differ the one from the other. They may differ in temperament and training, but all of them are sons of Democracy. They may differ in religion, but all of them worship the one great and common God.

Upon whomsoever the choice may fall, the result must of necessity reflect some difference in religious views; but surely no Democrat on this ground alone could find justification for refusing his support to the nominee of that convention, unless the creed of Democracy and the Constitution of the United States are to be rewritten and the statute of religious freedom, written by the founder of Democracy, is to be blotted from the statutes of Virginia.

And so, when the delegates to be commissioned by us, with all the delegates of the other States of the Union, have deliberated and made a choice, it will then be the duty of one and all to bear aloft the banner of Democracy and help to carry it to victory and triumph.

And let the message then be:

Back to your tents, oh, ye hosts of Democracy. Strike for the old altars and the old fires. Strike to put down graft and corruption in official life. Strike to divorce special privilege from Government. Strike to insure equal and exact justice to all men. Strike to exalt honor and righteousness in the life of the Nation.

NATIONAL-ORIGINS CLAUSE (S. DOC. NO. 259)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with the accompanying papers, referred to the Committee on Immigration and Naturalization and ordered to be printed.

To the Congress of the United States:

I transmit herewith for the information of the Congress a joint report by the Secretary of State, the Secretary of Commerce, and the Secretary of Agriculture, relating to immigration quotas on the basis of national origin.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 27, 1929.*

PENSIONS

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16878) granting pensions and increases of pensions to certain soldiers and sailors of the Regular Army, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to take from the Speaker's table the bill H. R. 16878, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER appointed the following conferees: Mr. KNUTSON, Mr. ROBSION of Kentucky, and Mr. HAMMER.

ALONZO DURWARD ALLEN

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12793) for the relief of Alonzo Durward Allen, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the bill H. R. 12793, with a Senate amendment thereto, and concur in the Senate amendment. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

TO SUPPLEMENT THE NATURALIZATION LAWS

Mr. JOHNSON of Washington. Mr. Speaker, I present for printing under the rules the conference report on the bill (H. R. 349) to supplement the naturalization laws, and for other purposes.

NORTHERN PACIFIC LAND GRANTS

Mr. COLTON. Mr. Speaker, by direction of the joint congressional committee I call up the bill (H. R. 17212) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and to alter and amend a joint resolution entitled "Joint resolution authorizing the Northern Pacific Railroad Co. to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes," approved May 31, 1870; to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Railroad Co., or the Northern Pacific Railway Co.; to direct the institution and prosecution of proceedings looking to the adjustment of the grant, and for other purposes, and ask its consideration.

Mr. SNELL. Mr. Speaker, is this a request for unanimous consent?

Mr. COLTON. Mr. Speaker, this is a privileged matter by reason of the resolution creating the joint congressional committee.

Mr. GARRETT of Tennessee. Mr. Speaker, let us have the bill reported.

The Clerk read the title of the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, this seems to be a pretty long bill.

Mr. COLTON. It is not a very long bill. The resolution which authorized the creation of this commission and later which extended the life of the commission in express terms made it a privileged matter which could be called up directly by the joint committee.

Mr. GARRETT of Tennessee. My recollection is that a resolution was passed still further extending the time of this commission.

Mr. SNELL. But they got this report in more quickly than they expected, when we extended the life of the commission.

Mr. COLTON. Mr. Speaker, it was thought at the time that we could not get the report ready at this session of the Congress.

Mr. Speaker, I ask unanimous consent to consider this bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Utah asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill. Without objection, the Clerk will omit reading the whereases.

The Clerk read the bill, as follows, omitting the preamble:

A bill (H. R. 17212) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and to alter and amend a joint resolution entitled "Joint resolution authorizing the Northern Pacific Railroad Co. to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes," approved May 31, 1870; to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Railroad Co., or the Northern Pacific Railway Co.; to direct the institution and prosecution of proceedings looking to the adjustment of the grant, and for other purposes

Be it enacted, etc., That any and all lands within the indemnity limits of the land grants made by Congress to the Northern Pacific Railroad Co. under the act of July 2, 1864, and the resolution of May 31, 1870, which, on June 5, 1924, were embraced within the exterior boundaries of any national forest or other Government reservation and which, in the event of a deficiency in the said land grants to the Northern Pacific Railroad Co. upon the dates of the withdrawals of the said indemnity lands for governmental purposes, would be, or were, available to the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., by indemnity selection or otherwise in satisfaction of such deficiency in said land grants, are hereby taken out of and removed from the operation of the said land grants, and are hereby retained by the United States as part and parcel of the Government reservations wherein they are situate, relieved, and freed from all claims, if any exist, which the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., may have to acquire the said lands by indemnity selection or otherwise in satisfaction of the said land grants: *Provided*, That for any or all of the aforesaid indemnity lands hereby retained by the United States under this act the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., or any subsidiary of either or both, or any subsidiary of a subsidiary of either or both, shall be entitled to and shall receive compensation from the United States to the extent and in the amounts, if any, the courts hold that compensation is due from the United States.

SEC. 2. That all of the unsatisfied indemnity selection rights, if any exist, claimed by the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., or any subsidiary of either or both, or any subsidiary of a subsidiary of either or both, or by any grantee or assignee of either or both, together with all claims to additional lands under and by virtue of the land grants contained in the act of July 2, 1864, and resolution of May 31, 1870, or any other acts of Congress supplemental or relating thereto, are hereby declared forfeited to the United States.

SEC. 3. The rights reserved to the United States in the act of July 2, 1864, to add to, alter, amend, or repeal said act, and in the resolution of May 31, 1870, to alter or amend said resolution, are not to be considered as fully exercised, waived, or destroyed by this act or the exercise of the authority conferred hereby; and the passage of this act shall not be construed as in any wise evidencing the purpose or intention of Congress to depart from the policy of the United States expressed in the resolution of May 31, 1870, relative to the disposition of granted lands by said grantee, and the right is hereby reserved to the United States to, at any time, enact further legislation relating thereto.

SEC. 4. The provisions of this act shall not be construed as affecting the present title of the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., or any subsidiary of either or both, in the right of way of said road or lands actually used in good faith by the Northern Pacific Railway Co. in the operation of said road.

SEC. 5. The Attorney General is hereby authorized and directed forthwith to institute and prosecute such suit, or suits, as may, in his judgment, be required to remove the cloud cast upon the title to lands belonging to the United States as a result of the claim of said companies, and to have all said controversies and disputes respecting the operation and effect of said grants, and actions taken under them, judicially determined, and a full accounting had between the United States and said companies, and a determination made of the extent, if any, to which the said companies, or either of them, may be entitled to have patented to them additional lands of the United States in satisfaction of said grants, and as to whether either of the said companies is lawfully entitled to all or any part of the lands within the indemnity limits for which patents have not issued, and the extent to which the United States may be entitled to recover lands wrongfully patented or certified. In the judicial proceedings contemplated by this act there shall be presented, and the court or courts shall consider, make findings relating to, and determine to what extent the terms, conditions, and covenants, expressed or implied, in said granting acts have been performed by the United States, and by the Northern Pacific Railroad Co., or its successors, including the legal effect of the foreclosure of any and all mortgages which said Northern Pacific Railroad Co. claims to have placed on said granted lands by virtue of authority conferred in the said resolution of May 31, 1870, and the extent to which said proceedings and foreclosures meet the requirements of said resolution with respect to the disposition of said granted lands, and relative to what lands, if any, have been wrongfully or erroneously patented or certified to said companies, or either of them, as the result of fraud, mistake of law or fact, or through legislative or administrative misapprehension as to the proper construction of said grants or acts supplemental or relating thereto, or otherwise, and the United States and the Northern Pacific Railroad Co., or the Northern Pacific Railway Co., or any other proper person, shall be entitled to have heard and determined by the court all questions of law and fact, and all other claims and matters which may be germane to a full and complete adjudication of the respective rights of the United States and said companies, or their successors in interest under said act of July 2, 1864, and said joint resolution of May 31, 1870, and in other acts or resolutions supplemental thereto, and all other questions of law and fact presented to the joint congressional committee appointed under authority of the joint resolution of Congress of June 5, 1924 (43 Stat. 461), notwithstanding that such matters may not be specifically mentioned in this enactment.

SEC. 6. All lands received by the Northern Pacific Railroad Co. or its successors, the Northern Pacific Railway Co., under said grants or acts of Congress supplemental or relating thereto which have not been earned, but which have been, for any reason, erroneously credited or patented to either of said companies, or its or their successors, shall

be fully accounted for by said companies, either by restitution of the land itself, where the said lands have not passed into the hands of innocent purchasers for value, or otherwise, in accordance with the findings and decrees of the courts. In fixing the amount, if any, the said companies are entitled to receive on account of the retention by the United States of indemnity lands within national forests and other Government reservations, as by this enactment provided, the court shall determine the full value of the interest which may be rightfully claimed by said companies, or either of them, in said lands under the terms of said grants, and shall determine what quantities in lands or values said companies have received in excess of the full amounts they were entitled to receive, either as a result of breaches of the terms, conditions, or covenants, either expressed or implied, of said granting acts by said companies, or either of them, or through mistake of law or fact, or through misapprehension as to the proper construction of said grants, or as a result of fraud, or otherwise, and said excess lands and values, if any, shall be charged against said companies in the judgments and decrees of said court. To carry out this enactment the court may render such judgments and decrees as law and equity may require.

SEC. 7. The suit, or suits, herein authorized shall be brought in a district court of the United States for some district within the States of Wisconsin, Minnesota, North Dakota, Montana, Idaho, Washington, or Oregon, and may be consolidated with any other actions now pending between the same parties in the same court involving the subject matter, and any such court shall in any such suit have jurisdiction to hear and determine all matters and things submitted to it in pursuance of the provisions of this act, and in any such suit brought by the Attorney General hereunder any persons having an interest in or lien upon any lands included in the lands claimed by the United States, or by said companies, or any interest in the proceeds or avails thereof may be made parties. On filing the complaint in such cause, writs of subpœna may be issued by the court against any parties defendant, which writs shall run into any districts and shall be served, as any other like process, by the respective marshals of such districts. The judgment, or judgments, which may be rendered in said district court shall be subject to review on appeal by the United States circuit court of appeals for the circuit which includes the district in which the suit is brought, and the judgment, or judgments, of such United States circuit court of appeals shall be reviewable by the Supreme Court of the United States, as in other cases. Any case begun in accordance with this act shall be expedited in every way, and be assigned for hearing at the earliest practicable day in any court in which it may be pending. Congress shall be given a reasonable time, which shall be fixed by the court, within which it may enact such legislation and appropriate such sums of money as may be necessary to meet the requirements of any final judgment resulting by reason of the litigation herein provided for.

SEC. 8. It shall be the duty of the Attorney General to report to the Congress of the United States any final determinations rendered in such suit or proceedings, and the Attorney General, the Secretary of the Interior, and the Secretary of Agriculture shall thereafter submit to Congress recommendations for the enactment of such legislation, if any, as may be deemed by them to be desirable in the interests of the United States in connection with the execution of said decree or otherwise.

SEC. 9. That the Secretary of the Interior is hereby directed to withhold his approval of the adjustment of the Northern Pacific land grants under the act of July 2, 1864, and the joint resolution of May 31, 1870, and other acts relating thereto; and he is also hereby directed to withhold the issuance of any further patents and muniments of title under said act and the said resolution, or any legislative enactments supplemental thereto, or connected therewith, until the suit or suits contemplated by this act shall have been finally determined: *Provided*, That this act shall not prevent the adjudication of any claims arising under the public land laws where the claimants are not seeking title through the grants to the Northern Pacific Railroad Co., or its successors, or any acts in modification thereof or supplemental thereto.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield to me a moment?

Mr. COLTON. Yes.

Mr. GARRETT of Tennessee. I think you have a number of whereases in the bill. Is it necessary to the sense of the bill, the way it is worded?

Mr. COLTON. I think it is not. It was put in in order to assist in passing the bill.

Mr. GARRETT of Tennessee. It is very unusual, of course, to put whereases into a law.

Mr. COLTON. I ask unanimous consent, Mr. Speaker, that the whereases be stricken out.

The SPEAKER. The gentleman from Utah asks unanimous consent that the whereases be stricken out. Is there objection?

There was no objection.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the last vote was laid on the table.

Mr. GARRETT of Tennessee. Mr. Speaker, this is a pretty important matter which has been disposed of here. It has required long and ingenious labor to arrive at the conclusions that have been arrived at, as expressed in this bill. I think it would be well for some Member familiar with the measure to ask unanimous consent to put into the RECORD, for the benefit of those who are to come after us here, a statement of what this is. I suggest that to the chairman.

LEAVE TO ADDRESS THE HOUSE

The SPEAKER. The Chair is informed that there is a special order permitting the gentleman from Nebraska [Mr. NORTON] to speak for 15 minutes. Does the gentleman from Nebraska desire to speak at this time?

Mr. GARRETT of Tennessee. I ask unanimous consent, Mr. Speaker, that the gentleman from Nebraska may have the same opportunity to-morrow.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Nebraska [Mr. NORTON] may have the same opportunity to speak to-morrow. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. It will be in order to-morrow?

The SPEAKER. Yes.

EDUCATIONAL ORDERS FOR MUNITIONS

Mr. MORIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 450) to amend section 5a of the national defense act.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 450) to amend section 5a of the national defense act.

Mr. WOOD. Mr. Speaker, would a motion be in order to lay the bill on the table?

The SPEAKER. No. It has not been read. The question is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 450.

Mr. LAGUARDIA. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

Mr. MORIN. Mr. Speaker, I demand the yeas and nays.

Mr. BEGG. Mr. Speaker, is the vote to be on the motion to go into the Committe of the Whole or on the demand for the yeas and nays?

The SPEAKER. On this division the ayes are 25 and the noes are 105.

Mr. MORIN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The yeas and nays are demanded. Those favoring taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Fifteen Members have arisen, not a sufficient number. The motion to go into the Committee of the Whole is rejected.

AMENDMENT OF THE NATIONAL PROHIBITION ACT

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules, I call up a privileged report, House Resolution 343.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Resolution 343

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2901, an act to amend the national prohibition act, as amended and supplemented. That after general debate, which shall be confined to the act and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the act, the act shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the act for amendment the committee shall rise and report the act to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the act and the amendments thereto to final passage without intervening motion, except one motion to recommit.

The SPEAKER. The question is on agreeing to the resolution.

Mr. SNELL. Mr. Speaker, this resolution provides for the consideration of the Jones-Stalker bill. As I understand it, this legislation simply increases the maximum penalties which may be imposed on violators of the national prohibition act. As I understand it, it is approved and asked for by the Department of Justice. Therefore, it is being presented here at this time.

I reserve the balance of my time. Does the gentleman from North Carolina [Mr. POU] desire time?

Mr. POU. I would like to use 20 minutes.

Mr. SNELL. I shall have an hour, and I will give the gentleman all he wants.

Mr. Speaker, I yield to the gentleman from North Carolina 30 minutes to do with as he pleases.

The SPEAKER. The gentleman from North Carolina [Mr. POU] is recognized for 30 minutes.

Mr. POU. Mr. Speaker, I yield to the gentleman from New York [Mr. O'CONNOR] 30 minutes.

The SPEAKER. The gentleman from New York is recognized for 30 minutes.

Mr. O'CONNOR of New York. Mr. Speaker, there is a general pretension here that this is most important legislation. In the closing few days of the second session of the Seventieth Congress the most important piece of legislation that can be conceived of for action is the so-called Jones-Stalker bill, which has been pending in this House, I believe, for four or five years and which has been the subject of a great deal of propaganda on letterheads of the Anti-Saloon League and similar organizations. There is no unfinished important legislation pending in this Congress equal in importance to the country such as this! Farm relief, Muscle Shoals, and many other measures fade into insignificance when compared with this overwhelmingly important piece of legislation! What happens with respect to this bill will determine the fate of the Nation! Every babbler on every main street in the country is watching this Congress to see what it does with this bill. The Rules Committee considered the measure of such great importance as compared with dozens of proposals still pending before that committee that it set aside practically a whole day for its consideration.

Many people are acquainted with my determined opposition to prohibition and all measures related to it. This bill will not solve the distressing problems arising out of prohibition. You are going to be told the bill is demanded by the Department of Justice; that this bill is the only solution of that greatest of evils existing in the Nation to-day. Of all the voluminous plans submitted to Mr. Durant this one plan of "increased penalties" is going to solve the entire problem. All you have to do when you have an evil is to increase the penalty to be inflicted on the evildoer and, presto change, you solve the whole thing.

Now, gentlemen, many of you are lawyers. I do not know how a lawyer on the Judiciary Committee or in the House can approach this kind of legislation with a straight face and really advocate its passage. The spirit behind this bill is still that same old spirit that pervades the whole question, the spirit of the witch burner, the spirit of Puritanical zealotry, the survival of the old Anglo-Saxon period of cruel and inhuman punishment as the solution of wrongdoing.

Now, as I started to say, I am, it is well known, against prohibition. I am against the eighteenth amendment. I abhor it. I despise it. I have no respect for it. Words would fail me in expressing my disgust and absolute refusal to adhere to the Volstead Act, and I point to this bill in itself as indicative of the malignant, malevolent witch-burning attitude on this question in America to-day.

This bill prescribes a maximum penalty of five years imprisonment and a $10,000 fine for violation of the Volstead law. I say, with firmness in my belief, that if the punishment prescribed in this bill were capital punishment it would pass this House by 300 votes.

Now, what has been the history of all Anglo-Saxon jurisprudence? Why, the crueler and more inhuman the punishment was made the quicker it defeated the very purpose for which it was enacted. Hundreds of laws centuries ago prescribed the death penalty for hundreds of crimes, and judges themselves soon found that the laws defeated the very purpose of their enactment. Not only would not a jury convict—and will not convict to-day under many sections of the Volstead law—but the judges themselves would not convict. The judges themselves wove and conjured all kinds of rules of evidence to avoid conviction. One rule of evidence built up to meet the situation was the rule against "self-incrimination." Another rule was that requiring corroboration, so that some loophole might be found in order to prevent an unreasonable law from being put into effect.

It is going to be said here to-day that it is significant that the wets are against this bill. It will be said that "the arguments you wets make are not sincere because you are against these laws anyway." Well, I am not arguing the cause of the bootlegger, neither are the men who are proposing this legislation concerned about putting bootleggers in jail. Once the bill is passed their job is done. They are only making a gesture back in the direction of their districts that they are "for" prohibition. Probably they intimately know many a bootlegger whom they would not think of confining to jail for five years or fining $10,000. I contend I am just as sincere in my opposition to this bill as the drys who pretend they want it passed.

Of course, the spirit that permeates this entire subject is obvious. I may be just as vehement about it as the drys are.

Nothing that can be said here to-day will have any effect even on the lawyers who are supposed to use their reason on legislation. If this bill did not pertain to prohibition there is not a lawyer here who would hesitate to vote against it. Let us be sincere about it, please. Here in the year 1929, 435 men who have taken an oath that they are all over 25 years of age in order to be admitted as Members of this body, suggest that the penalties in the Volstead Act be increased from a maximum of two years to a maximum in dozens of instances to five years and a $10,000 fine.

You have also in the bill a ridiculous proviso. Why, if you should take out all of the penalties in the bill, if you should provide that the bootlegger go free and still left that proviso in the bill I would never vote for it.

As I said in some remarks I made the other day, that kind of legislation is unworthy of a board of aldermen. In fact, I do not know a board of aldermen that would adopt legislation such as that proviso which says, in effect, that a judge is going to interpret the legislation as he sees fit. Strike it out, I beg of you. Make it harder for the bootlegger, if you will, but do not vote that provision into a law which will go into the libraries of this country for our children to read and for our young law students to read. I ask you lawyers and ex-judges, "Should a provision like that be enacted in a piece of legislation of the Congress of the United States of America?" leaving the whole matter to the discretion of a judge. In one case he will inflict the maximum, and in another case he need not do it, according to his own idosyncrasy. You make him a legislator.

Now, what is going to happen? Under that "proviso" the dry judge—and there are dry judges just the same as there are dry Congressmen—is going to inflict in every instance the maximum penalty, and the wet judge—and there are wet judges—is going to inflict in every instance the minimum penalty. It invariably happens.

Why, we see it happen every day. The visiting judges who come to New York on a joy ride, who enjoy the glamour and the amusement of our city, partake of all we have to give—they get a little extra money, incidentally, and if they come from a so-called dry State, in every instance, in spite of the fact that they are appointed for life, in spite of the fact that they do not have to cater to an electorate, in spite of the fact that they are not subject to chastisement by their constituents, still because of fear of criticism in their districts, everyone of them inflicts the extreme, the severe, the maximum penalty; and, on the other hand, the wet judge from New Jersey, for instance, who goes down to Texas inflicts the minimum penalty.

Is it intelligent legislation to enact a measure like this, and especially in this body, the national legislative body of the United States?

Oh, it will be said that the Department of Justice represented by a lady up there—a lecturer for the Klu Klux Klan—is for this bill. It is her only contribution to a solution of the problem. She says, "Put all these bootleggers in jail and the problem is solved." Some one suggested to me to-day that the Republican Party should not vote for this measure because it would be a serious loss to their party to put all the bootleggers in jail, a loss not only in votes, but in the "sinews of war" which they received in the last election.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. COCHRAN of Missouri. I fully agree with the gentleman's sentiment in reference to this measure——

Mr. O'CONNOR of New York. I thought the gentleman would.

Mr. COCHRAN of Missouri. But I can not let go unnoticed the gentleman's views in reference to the wet judge inflicting the minimum punishment. We have in my district a man who has told me that he is not in favor of the Volstead law, but any man who is brought before him, without exception, where it is shown that a sale has occurred, such a man is sent to jail and must pay a fine besides. [Applause.]

Mr. O'CONNOR of New York. Well, I do not know who he is, and I do not want to cast any aspersions on the particular judge, but he is probably like a lot of other judges of the Federal court. Immediately after sending this great "criminal," this man guilty of this "high treason" against this sacred eighteenth amendment, to jail, he probably retires to his chambers, tele-

phones his favorite bootlegger and participates in violating this "holy" law.

Mr. COCHRAN of Missouri. The one I refer to does not.

Mr. O'CONNOR of New York. Well, so many do it that it is rather a rare case you cite.

The trouble with all this legislation is the hypocrisy behind it, the insincerity which prompts it. Nobody wants the law put into effect—at least no public official. Only demagogues advocate such legislation.

Oh, 20 years from now, as I have often said before, we will not be appropriating even one dollar to enforce the Volstead law. I would not vote for one penny to enforce it now. I would not counsel anybody to even respect the law. It is not worthy of respect. I do not know anybody, or at least not many, who do respect it. Let me remind you that our forefathers, the colonists, the backbone of our Revolution, violated many a law, and not dissimilar to this. I believe that too much can not be said about the hypocrisy behind it all, the spirit of narrowness, the inheritance from the puritanical zealotry, the inflicting on other people punishment that they came here to escape, the most cruel, inhuman ideas about punishment and infliction of punishment for sin and not for crime, the old thumbscrew and the rack. That is the spirit behind all wet legislation. Many men—on both sides—are hypocrites about it all. I, for one, do not propose to be a hypocrite.

The hypocrite finally spits in the wind.

I reserve the balance of my time, Mr. Speaker.

Mr. PURNELL. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. WILLIAMS]. [Applause.]

Mr. WILLIAMS of Illinois. Mr. Speaker, I shall vote for the adoption of the rule bringing this bill before the House for consideration, and I shall also support the bill. My vote for the bill will be cast without reservations, mental or otherwise, and with whole-hearted approval of the provisions of the bill as it is drawn.

The only thing the bill does, or undertakes to do is to increase the maximum penalties that may be inflicted in the Federal courts for violations of the national prohibition act, and the various amendments thereto as the law now stands upon the statute books.

That the present maximum penalties are wholly inadequate for the proper enforcement of the law is denied by no one who is familiar with the situation and who wants to see the law honestly enforced.

The main argument, if not the only argument against this bill, is that the maximum penalties it provides would be excessive in many, and probably a majority, of the cases reaching the courts, and that harsh and unjust punishment might be inflicted for trivial violations of the law.

This argument is based on a lack of confidence in the courts, and on the assumption that judges who administer this law will abuse their discretion to measure the punishment to the gravity of the offense which is necessarily conferred on every judge who administers the criminal law. Judges of Federal courts now exercise that discretion in administering practically every other criminal statute. What sound reason is there for saying they can not be trusted with that discretion in cases arising out of violations of the prohibition laws?

It does not require a lawyer to know that criminal statutes can not be drawn in language accurately describing every shade of the gravity of an offense involved in the violation of a criminal law. Therefore, judges and juries in every civilized country in the world are vested with the discretion—between the minimum and the maximum provided in the law—of inflicting punishment commensurate with the offense as shown by all the facts and circumstances developed in the trial of cases.

No one objects to the exercise of this discretionary power of the Federal courts in the administration of our whole criminal law except in the case of prohibition. Why this tender solicitude for violators of the prohibition laws?

What just ground is there for fear that judges, who, so far as I know, have never abused their discretionary powers in meting out proper punishment within the minimum and maximum penalties prescribed by law to counterfeiters, mail robbers, smugglers, dope peddlers, and other criminals, will abuse their discretion in dealing with violators of the prohibition law?

Does anyone contend that the maximum penalties of this bill are excessive for maximum offenses committed against the prohibition laws? I have heard no one make that argument.

We all know the purpose of this act. It is not intended for the ordinary offender. The law is already adequate to take care of him. These increased penalties are provided for the higher-ups, for the aristocracy of the liquor traffic.

The people are not being fooled by the weeping, the wailing, and the gnashing of teeth now going on over this alleged dangerous grant of power to the courts.

They know Congress is merely providing adequate punishment for brazen and notorious violators of the laws of the United States.

They know further that the opposition to this legislation, in the main, comes from those who are opposed to the eighteenth amendment, who boldly claim it can never be enforced. [Applause.]

I sometimes wonder how long it is going to take some people to learn that the eighteenth amendment is in the Constitution of the United States to stay.

That the people of the United States have definitely made up their minds that intoxicating liquor will never again be sold in this country under the sanction of law.

The claim often made here that prohibition was written into the Constitution by an organized minority acting under the whip and spur of the Anti-Saloon League is utterly without foundation in fact.

The eighteenth amendment was placed in the Constitution because an overwhelming majority of the American people after long years of discussion and thought deliberately made up their minds the only way to deal with the liquor traffic was to smash it—to make it in law what it had always been in fact—an outlaw. [Applause.]

We hear much these days about the admitted evils that have grown up in the administration of prohibition. No one denies that evils exist. But the people have not forgotten the enormous iniquities of the legalized liquor traffic in the days before national prohibition.

They have not forgotten the days when the liquor traffic practically controlled the politics of the country. When it placed its friends in public office. When it insisted on its right to select sheriffs and prosecuting attorneys, and when no man could remain on the police force who was not its subservient tool.

They have not forgotten the days when in many parts of the country no public man could withstand the enmity of the liquor traffic. They have not forgotten the days when one-half of the pay checks of laboring men were cashed on Saturday nights over the bar of a saloon, whose proprietor was usually the political boss of his neighborhood.

It was to free the American people from these intolerable conditions and to destroy forever the strangle hold this enormous curse had on the political and social life of the Nation that the people rose in their might and wrote the outlawry of booze into the Constitution of the United States.

They intend for it to remain in the Constitution. Notwithstanding the noisy claims of a wet minority in the Congress and throughout the country prohibition is not a failure. It has proven itself a blessing and not a curse to the American people. In spite of inefficient enforcement in many parts of the country, in spite of undeniable corruption and betrayal of trust by many who have been charged with its enforcement, great progress, and in many of the States satisfactory progress, has been made in its enforcement.

The country is infinitely better off to-day than it was before national prohibition. Competent observers say prohibition more than any other one thing has contributed to the postwar prosperity and growth of wealth in the United States.

A great European economist said recently that prohibition was fast making America the economic master of the world.

I want to mention one thing more. The statement is often made that there is more drinking now than before prohibition. This is not true. The most reliable statistics obtainable indicate there is now less than 10 per cent the amount of alcoholic drink consumed than before prohibition.

In proof of this, one significant fact stands out like a mountain peak. Before prohibition there were in the United States 77 great Keeley cure institutes, where alcoholic patients were treated. Since prohibition 74 of these institutions have closed their doors for want of patients.

Will some one who thinks there is more drinking now than formerly tell us where our inebriates are now being treated?

Mr. Speaker, prohibition enforcement has encountered many difficulties. The road ahead will not be easy to travel. But the American people have no notion of turning back. [Applause.] As I said before, they are not going to take prohibition out of the Constitution. They are not going to weaken enforcement statutes. They intend to strengthen them wherever necessary, and they are going to demonstrate to all the world their will and their capacity to enforce that which they by their own overwhelming choice have seen fit to write into their Constitution and to make a part of the fundamental law of the land. [Applause.]

Mr. PURNELL. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. FORT].

Mr. FORT. Mr. Speaker and gentlemen of the House, three times I have been a candidate for election as a bone-dry, in a supposedly wet district. I believe in prohibition, and I hope to live to see the day when both its observance and its enforcement are uniform throughout the Nation. [Applause.] At the same time, in the campaigns I have made, I have stated repeatedly that, in my judgment, increase of penalties for the violation was an improper way to approach the enforcement of the law. [Applause.]

The places where enforcement is needed particularly are the great wet sections surrounding our great cities. They are not the places where the prevailing sentiment of the people favors prohibition. What does that mean in a nation built on the grand and petit-jury system? It means that in the sections where enforcement is needed, public sentiment resists enforcement—that in the section where enforcement is less needed public sentiment supports enforcement. Any man who has served on a grand or petit jury, as I have, any man who has practiced law in the courts of this country, knows that the minute you increase the penalty on a law which public sentiment does not strongly favor, you vastly increase the difficulty of securing either indictment or conviction.

The average juror, grand or petit, stands against indictment in the first instance, and conviction in the second instance, if he believes that it is within the power of the judge to award what to him seems an improper or undue sentence.

I have seen this thing worked out in my own State in the days before prohibition when we endeavored to enforce a law for Sunday closing of saloons until it reached a point where it was almost impossible to get an indictment, let alone a conviction, because in part of the fact that the law permitted a prison sentence.

My friends, not only because I have stated this position as a candidate but as a man who believes in prohibition, who wants to see it enforced, who even more wants to see it observed throughout the Nation, I hope that this proposed resolution will not become a law, because I believe that it will embarrass the enforcement of the law in those sections which must vitally need such enforcement. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield three minutes to the lady from New Jersey [Mrs. NORTON].

Mrs. NORTON of New Jersey. Mr. Speaker, I am absolutely opposed to this bill, having a strong conviction that it will create an even greater evil than the present law.

We can not legislate morals; the failure of prohibition demonstrates that this is true.

If the provisions of this bill become law, it will cause the United States Government to go into the building business, for we have not now, and could not build enough jails, to provide the carrying out of the law.

As a result of it, class distinctions would be even greater than they now are, the rich continuing to be protected and above the law, while the poor man would be used to demonstrate the efficient manner in which the law would be enforced.

We are tired of this hypocrisy that is ruining our boys and girls, who are cynically watching the farce.

If this bill becomes a law and is honestly enforced, a large part of the membership of this House, and of the State legislatures throughout the country, might find themselves in a very unhappy and embarrassing position. [Applause and laughter.]

Your son or daughter might be among the first to feel the arm of the law; and for a pint of liquor, he or she might have his or her otherwise useful life ruined.

It is a law that would bring shame and sorrow on many a happy home, and would be a disgrace to the traditions of a free country. I earnestly hope the Members of this House will pause before committing so great a crime as to cause the ruin of any man or woman who would become the victim of so monstrous a law.

Those caught buying or selling liquor would be imprisoned, and the countless thousands all over the land who are indulging in cocktail parties and have underground passage to the source of supply would be immune from the law, as they have been during the past 10 years of farce prohibition.

Another reason for my opposition to the bill is found in the following proviso of the bill:

> That it is the intent of Congress that the court in imposing sentence hereunder should discriminate between the casual or slight violations and habitual sales of intoxicating liquors or attempts to commercialize violations of the law.

"Intent" is an all-embracing word, and could mean anything. I might say that we passed a bill in the last session which was intended to help the Government employees throughout the country, and we all know the construction placed on "intent" in this instance. It is therefore very poor legislation that will permit the use of the word "intent" to govern the meaning of a bill carrying so far-reaching a penalty. [Applause.]

Mr. PURNELL. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, whatever the views on the question of prohibition may be, surely there should be no difference about the plain English wording of the bill now before the House for consideration. The gentleman from Illinois [Mr. WILLIAMS], in support of the bill, made the definite statement that the bill increases the penalty for second and habitual offenders. Every dry advocate in this House is supporting the bill in the belief that this bill increases the penalty for the second and habitual wholesale offender of the law. That is not the case. This bill does not increase by one day the prison sentence now in the existing law. Any statement made to the contrary is made either in ignorance of what is in the bill or for the purpose of deceiving the folks at home.

Mr. MOORE of Ohio. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. No; not now. Right here is the present law. Here is section 29 of the prohibition enforcement law. I say that it does not increase by one day the prison sentence of the second and habitual offender. Section 29 of the present law reads:

> Any person who manufactures or sells liquor in violation of this title shall for a first offense be fined not more than $1,000 or imprisoned not exceeding six months—

And now, listen to this—

> and for a second or subsequent offense shall be fined not less than $200 or more than $2,000 and be imprisoned not less than one month nor more than five years.

Now, look at the bill before you. Oh, you drys, you are either fooling yourselves or you want to fool somebody else. The bill before you provides—

> the penalty imposed for each such offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both.

The maximum in the present law is five years. The maximum in this bill is five years. The bill takes away the mandatory prison sentence for the second and habitual offender, and makes it discretionary. You do not increase by one day the prison penalty, because the minimum remains, and it is provided specifically in the bill before us that nothing in the bill shall be construed to repeal the minimum penalties now provided in the law. You have the 5-year maximum penalty in the existing law, and you have the five years here. It is nothing but bunk, and the best proof of the bunk that I can refer you to is the lawyer-like, statesman-like legislative report of the majority in support of this bill. Let me read it to you:

> The Committee on the Judiciary, to whom was referred the bill S. 2901, after consideration reports the same favorably and recommends that the bill do pass.

[Laughter.]

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. GRAHAM. Did not the gentleman vote for that report?

Mr. LAGUARDIA. Oh, no. Here is my own minority report.

Mr. GRAHAM. Well, those were all the reasons that we could muster. [Laughter.]

Mr. LAGUARDIA. Absolutely! A Daniel come to judgment! Those were all the reasons the committee could muster. The bill is being jammed through the closing days of the session without that deliberation and study which its highly penal provisions would require. In fact, the very wording and contents of the bill display a confusion of thought, a conflict of purpose, and a departure from orderly legislative procedure. The bill has been described, advertised, and proclaimed as providing additional prison terms for second and habitual offenders of the prohibition law. It does not add one day to the maximum prison term for second and habitual offenders provided in the existing law. It gives to every judge the vehicle to let off the wholesale habitual bootlegger with a mere fine and to impose heavy prison terms on the possessor of a casual half pint. It is discriminatory in its very discretionary provisions. The bill is unscientific in that it does not define the various degrees of the crime for which punishment is provided in the manner accepted and approved by every known system of jurisprudence. It lumps all violations of the law with a wide latitude of punishments from a fine of $1 to $10,000 and from one day imprisonment to five years. Not the offense but the temperament, feeling, favor, whim, spite, caprice, or digestion of the individual judge is the measure of punishment.

The wide range of attitude of Federal judges, the differences in sentences imposed by the various judges throughout the

country are in and of themselves the proof that the policy established in this bill is not only unwise, but dangerous and unjust. Nowhere in the Federal penal laws can be found any such loose and uncertain provisions describing an offense and failure to define the degree of a crime.

As I have just stated, section 29 of the prohibition enforcement law provides that any person violating the law as a second or subsequent offense shall be fined not more than $2,000 and be imprisoned for not more than five years. The present bill increases the $2,000 limit to $10,000, but leaves the maximum prison term exactly where it is. An increased fine will not disturb or perturb the wholesale successful bootlegger. He is not apprehended under existing law, he will not be apprehended if the present bill is enacted into law. It is simply not within the scheme of things to apprehend the wholesaler, the bankers who finance, established corporations that transport, or the wholesale distributors of liquor.

The existing bill would submit, however, any person who has two or more times been apprehended for the mere possession of a hip flash to imprisonment for a term of five years. This is the only class of persons who will suffer under the provisions of this bill. Judges will be quick to impose maximum prison terms on impecunious and helpless individuals in order to make up the total prison years imposed by them when submitting their annual report or making speeches to Anti-Saloon League meetings.

The proviso contained in the first section that "It is the intent of Congress that the court in imposing sentence hereunder should discriminate between casual or light violations and habitual sales of intoxicating liquor or attempts to commercialize violations of the law," is indeed a novel principle in penal laws. Where else in the jurisprudence of any civilized country is a judge directed by the law itself to "discriminate"? If the bill has been properly studied and considered, casual and light violations would have been classified and punishment for such light and casual offenses specifically provided.

The law, as it is written, directs the court not to exercise its judgment, not to extend mercy and mete out justice on the merits but to discriminate. This proviso itself, while no doubt hurriedly written with the best of intentions, is indeed discriminatory. It permits the socially prominent and the financially affluent to entertain and lavishly serve to the limit of human capacity liquor and wines of rare vintage with the risk of obtaining a slight fine, while the unfortunate and obscure who happens to sell two or more glasses of California claret at 10 cents a glass faces a prison term of five years.

Section 2 seems to be the alibi for Members who represent divided districts. By voting for this bill they can justify their stand to the drys by reading section 1 and square themselves with the wets by reading section 2. The bill and the proposition submitted is as inconsistent, as impossible, as ridiculous as prohibition itself. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. GRAHAM. Mr. Speaker, will the gentleman from Indiana yield me a minute?

Mr. PURNELL. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania.

Mr. GRAHAM. Mr. Speaker, our committee had considered the Stalker bill and made a full and complete report upon it. We had only about an hour in which to act when this Senate bill was referred to us, and without multiplying words we put in this short report and gave the House the bill to act on.

Mr. LaGUARDIA. Mr. Speaker, I accept the apology. [Laughter.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Speaker, gentlewomen, and gentlemen of the House, in the brief space of time allotted to me I desire to direct attention to one of the conditions that will follow the passage of this bill. A year ago in your wisdom you appointed a committee to investigate the Federal penitentiaries and other penal institutions of the country. Our committee made a report recently and we found that at the present time there are over 600 inmates of the two prisons—Atlanta and Leavenworth—who are sleeping in basements, cellars, and in the corridors of the prisons. Realizing this very bad condition, I introduced a bill providing for the erection of two new Federal penitentiaries. I made a request of the distinguished chairman of the Committee on the Judiciary to report out the bill. He answered me very courteously and stated that owing to the late period of the session, and so forth, nothing could be done this year.

What is going to happen? You already have overcrowded prisons. You have no new prisons under way. What are you going to do with these men you are going to put away for five years? The only thing that I see that you can do is to establish a tent city somewhere and house them in tents for three or four years until perhaps the prisons are erected; but in the meantime these men, confined in tents, are liable to become afflicted with disease, due to improper housing and sanitary conditions, and perhaps their death might result, but, of course, that means nothing to an ardent dry.

Prisons have never been so full. The different cities and States have served notice on the United States Government that they have no further accommodations for Federal prisoners. This bill will operate to increase the number of such prisoners. All the other criminal statutes of the Government combined call for a far less amount of money to enforce them. In frantic efforts to enforce the law States driven by the bigotry of prohibitionists have inflicted cruel and tyrannical punishments; as in the States of Michigan, a judge sentenced a woman, the mother of 10 children, to prison for life for selling a half pint of gin.

The nine years of prohibition have been nine years of agitation, of outrage, of gross violations of individual rights and open warfare against the citizens. Witness the many incidents that have occurred throughout the country of the shooting to death of innocent men, women, and children on the public highways by Federal prohibition-enforcement officers—committing murder in the sacred name of prohibition.

The forces behind this bill are the same that have been behind similar tyrannical measures during the past nine years. Individual rights, legal procedure, and constitutional protection have been thrown to the winds at the suggestion of the Anti-Saloon League. Without trial by jury injunctions have been freely used, closing buildings and destroying valuable property. They have destroyed Article IV of the bill of rights, which once protected the individual in the security of his home, papers, and effects against unlawful search and seizure. They care nothing for constitutional rights. They would rather have the whole fabric of the Government go down in ruin lest they should be thwarted in their appetite to rule.

Prohibitionists have no regard for well-established rights or well-recognized principles of Government.

Only last week orders were sent to the Congress by two political bishops to vote for the amendment adding $24,000,000 to the prohibition enforcement fund. Many of the Members were in a sorry dilemma; they were between love and duty; love for the Anti-Saloon League and the duty they owed to their party. For the first time in nine years many of them failed to obey the dictates of the political bishops. Now, in the closing days of the session, actuated by a desire to reinstate themselves in the good graces of the political bishops they advocate the passage of this drastic bill.

The gentleman from Ohio [Mr. COOPER] states that the defeat of the Democratic candidate in the presidential election was due to his stand on prohibition. From my knowledge of the gentleman I know that he is far too intelligent a man to believe this. He knows deep down in his heart that the defeat of that candidate was due, not to his stand on prohibition, but to the bigotry and intolerance of the Nation. The help of this same bigotry and intolerance was well used by the gentleman's party in the election. The same bigotry and intolerance would, if it could, deny me and others a seat in this House, or a seat in the Senate, while it would raise its hands in holy horror at the mere thought of intrusting us with the executive power of this Government. This, let me repeat to the gentleman from Ohio, was the cause of the defeat of our candidate, and not his stand on prohibition. Gentlewomen and gentlemen of the House, I want to sleep nights, I don't want to wake up thinking that my vote on this bill was the means of incarcerating in a wretched, overcrowded, insanitary prison any of my fellow men or women of this Nation. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. O'CONNOR of New York. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. WHITE].

The SPEAKER. The gentleman from Colorado is recognized for five minutes.

Mr. WHITE of Colorado. Mr. Speaker and Members of the Congress, the nature of this resolution and the character of the report from the Judiciary Committee upon the bill in question (S. 2901) should be sufficient, it seems to me, to impel this body of lawmakers to pause and seriously consider the effect of our jazz rate of speed in disposing of important legislation.

This resolution provides for the immediate consideration of the Senate bill 2901, known as the Jones bill, the "pet" measure of the so-called prohibitionists. A measure which is said to be far-reaching in its scope and effect and yet this special rule, if adopted, permits of but one hour of discussion and consideration of the bill by a body of 435 Representatives of all the people.

I am not unmindful of the fact that proposed legislative measures are supposed to be thoroughly considered by the committee of this House to which they are referred for report after an opportunity has been given proponents and opponents for a full hearing as to the merits and wisdom of the proposed measure.

I am also aware that such procedure seems necessary to progress in a body of so large a membership as has this House. But, fellow Members, it is clear that this procedure has not been followed in this case. On the contrary, 43 Members of this House made a written request of the Judiciary Committee to be heard on the bill in question, but were given no opportunity in that behalf.

This manner of legislating is appalling to me. It is un-American in principle and in my humble judgment can find no approval among unprejudiced people.

Under the Constitution the authority to determine public policy and to enact legislation rests with the Congress, and no authority in that behalf is invested elsewhere. The President does not have this authority, the United States Supreme Court does not possess it, and neither is it lodged in the Department of Justice, nor in the Anti-Saloon League. It belongs to the Congress alone.

How may Congress enact reasonable, sensible, and just laws unless the respective Members thereof in the two bodies of which Congress is composed are permitted to discuss, to criticise, and help mold into shape proposed laws? Without this there is no sure way.

Any law or measure which is formulated and molded into shape by one person or class of persons, seeking a particular end in view, is usually of questionable merit.

It is only through the views and by means of the criticism of those that oppose, as well as of those who favor, a particular measure, course, or remedy, that the best results may be obtained. In other words, a good and workable law may best be molded into shape by and through the composite judgment of all those who make the law.

In fact, many of the defects, imperfections, absurdities, and inequities of the Volstead Act were undoubtedly the result of just such unwise course in the enactment of that law. That law was fostered, molded into its absurd shape and forced through the Congress by the Anti-Saloon League, its agents and emissaries, all having in mind the suppression of and traffic in and use of intoxicating liquors for beverage purposes, and without the benefit of the views and criticisms of those who believe that prohibition and temperance can never exist in the same place at the same time, and who are, therefore, honest advocates of temperance, and necessarily against prohibition.

In my opinion, no Congressman may discharge his duty to his country if he simply acts in the capacity of a rubber stamp and accepts legislation "dished up" to him. Such duty can be performed only after diligent inquiry, investigation, and discussion with other Members of the House, remembering always that one must exercise his own judgment and reach his own conclusions as an officer of the United States acting for the good of the people of the whole Nation.

No claim is made that any hearings were had upon this Senate bill by or before any committee of this House. It is stated, however, that hearings were had before the House Committee on the Judiciary upon H. R. 9588 and that the two bills are in substantial effect the same. In my opinion this claim is not well based.

An examination of the two bills discloses but little if any similarity. If the legislative intent of the Senate bill as therein set forth is the true meaning to be ascribed to that measure, then the purposes of that bill are diametrically opposite to the purposes of the House bill.

The Senate bill expressly reserves and continues the minimum penalties for the first and subsequent offenses as now provided by the national prohibition act while the House bill eliminates them.

The Senate bill declares that it is "the intent of Congress that the court, in imposing sentence" under that law "should discriminate between casual or slight violations and habitual sales of intoxicating liquor, or attempts to commercialize violations of the law," while the House bill makes no distinction in that behalf.

Under the law as it now is, first offenders shall be fined in any sum not exceeding $1,000 or be imprisoned not exceeding six months; and second and subsequent offenders thereunder shall be fined not less than $200 nor more than $2,000 and be imprisoned for not less than one month nor more than five years.

Under the Senate bill now under consideration, first offenders shall be fined in any amount not exceeding $10,000 or imprisoned not exceeding five years, or both; second and subsequent offenders thereunder shall be fined in any amount not less than $200 nor more than $10,000 and be imprisoned not less than one month nor more than five years, or both.

Under the House bill first offenders may be fined in any sum not exceeding $10,000 or imprisoned not exceeding five years, or both.

But, be that as it may, I am of the opinion that it will not be claimed that any substantial hearing was had upon either the Senate or House bill. This conclusion is inevitable from the reports submitted. I am advised that heretofore reports upon legislative measures by committees having them in charge contain brief statements of the purposes and objects of the proposed measure, a synopsis of the evidence produced at the hearing, and the conclusion of the committee as to the effect of the bill, if enacted into law.

The body of the report of the House Judiciary Committee accompanying the Senate bill consists of three and one-half lines only and is in the following language:

> The Committee on the Judiciary, to whom was referred the bill S. 2901, after consideration reports the same favorably and recommends that the bill do pass.

Clearly this report is without value and can hardly be said to constitute the basis for intelligent legislation.

The body of the report accompanying the House bill (H. R. 9588) is almost as valueless, and is as follows:

> Mrs. Willebrandt, Assistant United States Attorney, representing the Department of Justice, spoke in favor of the passage of this bill. She testified in brief that in big cities and in large cases where the Volstead Act has been violated that the judges complain that the maximum penalty was too low; that if they could have the discretion, like that given by this bill, to impose the maximum sentence in certain cases against big offenders, they could stop the sale of intoxicating liquor to a greater extent than they can do now, as it is very difficult to convict of conspiracy, but the individual could be convicted and if the maximum penalty was large enough and heavy enough the violators might be driven out of the business.
>
> The trouble at the present time is with the big sellers and the big importers, and not the small bootleggers; that under the present law the maximum penalty for a first offense is too small, and in practice there is no second offense because the defendant would not be before the same court a second time, as this shift from one to another makes all offenses the first.
>
> Under this bill the big offender could be given the maximum penalty if necessary and driven out of the business, and there would be no second offense, and therefore the Department of Justice very much desires, in the interest of better enforcement of the law, that this bill pass. Your committee therefore recommends, after due consideration, that the bill receive a passage.

Now, what is the gist of this report and Mrs. Willebrandt's testimony upon which the report is based?

Clearly it is her declaration therein that "the trouble at the present time is with the big sellers and the big importers and not the small bootlegger." If so, then why not expressly limit these drastic punishments to the big sellers and big importers and big manufacturers and leave those classes with which the department and the courts are having no trouble subject to the present laws? According to Mrs. Willebrandt's own testimony, the old law is sufficient in that behalf.

Moreover, it is evident from this report that Mrs. Willebrandt and the judges whom she quotes are not so anxious to secure a more drastic punishment as they are to find an easier way in which to convict. This conclusion is inevitable when we bear in mind that under the law as it now is, second offenders, which would necessarily include "the big sellers" and "the big importers," could be imprisoned for five years and fined $2,000 under the prohibition law, and likewise imprisoned upon conviction for conspiracy to violate the prohibition laws. But Mrs. Willebrandt says that she and the judges find it difficult to convict for conspiracy.

From my experience of many years as a prosecutor in criminal cases, I doubt the soundness of such conclusion. On the contrary, conspiracy is easily charged and readily proven, for prima facie evidence of the conspiracy opens the door for the admission of almost unlimited evidence that in other cases would be mere hearsay.

I am of the opinion that the difficulty to convict, of which complaint is made, is not due to the character of procedure, but is due to the absurdity of the punishment that must follow a conviction of conspiracy; and if courts in the enforcement of this new law follow the suggestions of Mrs. Willebrandt, as outlined in this report, and juries understand that, in any particular trial for the violation of the Volstead Act the court will impose a heavy fine and years of imprisonment, the same difficulty will be met in getting convictions under this new law as under the conspiracy act.

It would, therefore, seem that the time has arrived when America's lawmakers should profit by the experience of the Anglo-Saxon race.

At about the time the colonists were settling in this country there existed in the mother country some 200 drastic laws for the violation of which the death penalty was prescribed.

Many of these crimes were of a petty nature. Among them was one that prescribed the penalty of death for the theft of anything of the value of 6 pence or more. Under this drastic law hundreds of men, many women, and some children were executed for stealing a loaf of bread.

Great masses of the people objected to and protested against these inhuman laws, but the officers of the law, including the courts, as was their duty, enforced the law as best they could. However, something eventually happened that will always happen among free men when tyranny becomes so oppressive that it shocks the common conscience of humanity. The common sense of the Anglo-Saxon jurors came to the rescue of the race and refused to convict of an offense of such insignificance with a penalty so severe.

In fact, the experience of thousands of years of lawmaking and law enforcement conclusively proves that no criminal law is enforcible unless some one is injured by its violation; and juries refuse to convict when they know that the punishment that will follow is out of all proportion to the offense committed.

And, my fellow Congressmen, I warn you, and my country, that if and when it becomes a common practice to send men and women to imprisonment for years for the violation of such laws as the Volstead Act, which makes crimes out of the doing of things in which there is not the slightest element of immorality, and which only yesterday were unattended by any criminality, we are returning to practices of the Dark Ages; and we will soon find that the conscience of our level-headed jurors will rebel against the cruelties of such laws and refuse to convict.

What the United States of America most needs to-day are Patrick Henrys who have the courage to welcome death, if needs be, to maintain and protect the rights of men as set forth in the bill of rights; Henry Clays who recognize the necessity of careful study of all proposed measures and the embodiment into every law the composite judgment of lawmakers, and who would rather be right than to hold the highest office within the gift of the people; men like Andrew Jackson, willing to battle without regard to the obstacles in his way to restore and preserve the fundamental principles upon which our Government was established; men like Grover Cleveland and Theodore Roosevelt, willing and ever ready to take a stand upon matters of public concern and tell it to the world.

In our courts and in the administration of justice we need men like Andrew Hamilton, who defended the publisher Zender for alleged libel of the colonial Governor of New York, and undertook at the trial to prove as a defense to the charge the truth of the alleged libel. Under the law as it then existed the truth of a publication against a public official was no defense to the charge of libel. Time after time Hamilton, in argument, said in substance to the jurors that—

> His honor upon the bench will tell you, gentlemen of the jury, that the truth of this publication is no defense against the charge that it is libelous, and I admit that that is the law; but I say to you, gentlemen of the jury, that it ought not to be the law, and it will not long remain the law among free men.

And what did that jury do? It did that which all juries will do when they know that the law is absurd, and that that which is sought to be done in the name of the law is wrong.

The reward of Andrew Hamilton for this great service to mankind was the writing into most all of the constitutions of the States the guaranty of freedom of speech and press and the principle that in suits for libel the jury shall, under the direction of the court, be judges of the law as well as the facts.

It is important that when Congress legislates it should do so intelligently and according to the plan upon which our Government was founded. Our Government is based upon the principle that it is a government by laws, not a government by men. In other words, the law is made master and those who administer the law are its servants.

Therefore, always heretofore in enacting laws in which there was a clear distinction as to the nature and character of the crime facts, the classes of crimes were segregated and appropriate minimum and maximum punishments prescribed for the violation of each class, and in pronouncing sentence the courts had power to and could exercise a reasonable discretion. But in this proposed measure under consideration that wholesome principle is wholly disregarded, and the range of discretion lodged in the courts is in no wise definitely controlled by the crime facts but is dependent upon the bent of mind, caprice, and prejudices of the trial judge.

Do you think that judges on the Federal bench are any different from human being not on the bench? The character of the judge, his mental attitude, his prejudices, his way of looking at things are no different after he has put on his robes of office than they were before.

Now, what will be the practical effect of this law wherein the discretion of the judge is so unlimited? Is it not almost certain that those judges that feel that the doing of the things prohibited by the Volstead Act are grave and serious offenses, as most prohibitionists do, will impose drastic sentences? And is it not equally certain that those judges who feel that the prohibition laws are unwise and that the doing of those things prohibited by the Volstead Act are free from immorality, and have injured no one, will accordingly impose light sentences? I have no doubt that such inequality of administration of these laws will follow the enactment of this bill.

In enacting this measure we are disregarding and departing from the fundamental principles upon which our Government is established. We are transforming our Government into a government by men instead of preserving it as a government by law, and I am unwilling to join in throwing away these fundamental safeguards.

We are taking a long step in the direction of tyranny, and it is a doctrine in keeping therewith when Members of this House are condemned and vilified because they have the temerity to speak out boldly in condemnation of a law or a provision of the Constitution.

The gentleman from Ohio [Mr. MOORE] is amazed at the remarks of the gentleman from New York [Mr. O'CONNOR] when, on the floor of this House, he said, "I am against the eighteenth amendment. * * * I abhor it. I despise it. I have no respect for it," and said of the prohibition act, "I would not counsel anybody to even respect the law."

Why should the gentleman from Ohio be amazed? These words are neither treasonable, unpatriotic, nor unwise. On the contrary, they are perfectly consistent with the duty of any citizen under our form of Government. Even the Declaration of Independence declares that it is the inherent right of the people to govern themselves as they will and to alter or abolish their form of government whenever they may deem it necessary. This principle is also recognized in the Constitution, and the only restriction in that behalf is that in making any change the procedure prescribed therefor, in the instrument creating government must be followed.

In an autocratic or despotic government there is no fundamental instrument creating it, and the right of revolution is always inherent.

In a constitutional democracy the constitution and laws prescribe the course to be pursued, and governmental officers are servants of those laws and can lawfully exercise only the power invested in them by such laws, and when they adhere to those laws and perform the acts of government in the manner prescribed therefor revolution has no place therein. The right to abolish constitutions, to amend them, to repeal and enact new laws is the substitute for revolution.

One can not love and respect a law or a provision of the Constitution if it has not therein elements that appeal to his conscience, though he may and should obey it as long as it is a part of the Constitution or other laws of the land.

One can not praise or respect a law and at the same time effect its repeal; and there is no higher duty resting upon a citizen than to put forth every effort to repeal what he believes to be bad laws and have good laws enacted in their place. This applies to the provisions of the Constitution and to the Constitution itself, as well as to statutory laws.

Respect for a master, whether that master is a constitution, a person, or a statutory law, is not essential to obedience thereto. One may obey the direction of a king or implicitly conform to the mandate of a tyrant and have no respect for either. Duty, however, compels him to observe and obey.

I defy any prohibitionist to be a more sincere advocate of the observance of all laws and the creation of real temperance than I am. But I know full well that many laws can not, and should not, be respected but should be repealed; and that we can not have temperance and prohibition in the same place at the same time; where one is the other can not be. I am, therefore, for temperance and against prohibition.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. O'CONNOR of New York. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. CELLER].

The SPEAKER. The gentleman from New York is recognized for three minutes.

Mr. CELLER. Mr. Speaker and ladies and gentlemen of the House, I quite agree with the distinguished gentleman from New Jersey that you can not successfully enforce any statute by making the penalties severer. Prohibition enforcement has notoriously failed. Tightening up penalties will not help. You would be turning backward the hands of the clock of jurisprudence if you tried to do that. You have just heard of two hundred-odd offenses punished by death in England in the sixteenth and seventeenth centuries. England soon learned that you could not, by capital punishment, weed out petty larceny, or poaching on a nobleman's estate, or stealing a loaf of bread. We in America have yet to learn that by making a punishment too severe you are not going to bring about law enforcement.

The distinguished Senator from Connecticut, Senator BINGHAM, made some very pertinent remarks on the subject which I take the liberty of repeating here:

> The experience of our race has been that when we apply too drastic punishment for crimes which are not universally recognized as heinous offenses, such as murder, rape, attacks with intent to kill, and matters of that kind, which have been crimes since the memory of man runneth not to the contrary, and whenever we attempt to punish crimes other than those by excessive penalties we do not succeed in achieving our object. Consequently, to change the law at the present time and make it possible for an ardent judge, acting under the pressure of public opinion, to impose a fine of $10,000 and imprisonment for five years in the penitentiary for the first offense is, in my opinion, not likely to produce the effect desired by the proponents of the measure.
>
> We have at the present time certain States, as has been pointed out, where the penalties are exceedingly drastic. I have read in the newspapers, and I have not seen it contradicted, that, for instance, in the State of Michigan for the fourth offense of having in one's possession any illicit liquor one may be imprisoned for life. Surely nothing in our day and generation would be tolerated any more severe than that. Yet I do not find any evidence whatever that there is more observance of law in Michigan than in any neighboring State; in fact, some of the States where the law is very much more lenient than that have a better record for observance of the law than exists in the States where the penalty is very, very severe.
>
> Only yesterday I heard of a case in a college town in Michigan—I need not mention any names—where at a recent dance participated in by the college fraternities the reports disclosed the existence of a very large amount of liquor being used in an extremely intemperate manner. In other words, enabling a judge to inflict a very severe penalty has not resulted in that State, or in any others similarly located, in increasing observance of law.

The courts are already clogged with prohibition violators. This bill will increase the congestion. Faced with a possible 5-year penalty, all defendants will demand jury trials. There will be no pleas of guilty entered. Procedure will grow complicated. Jury trials are costly and usually long drawn out. It will take scores and scores of judges to keep abreast of the work of clearing the crowded calendars.

Why ask for greater penalties? There are plenty of weapons in the prohibition arsenal now.

The United States attorneys can invoke the old internal revenue laws providing for fines and imprisonments, as well as section 37, Criminal Code, providing for violations for conspiracy against the United States. The latter carries severe penalties. Or enforcement officers can go into the State courts and obtain convictions under the State laws. Is that not enough? I incline to the view that the prohibitionists, realizing the breakdown of enforcement and fearing to admit defeat, simply use the agitation for increased penalties as a sort of stalking horse, to hide their real motive, namely, prohibition—at whatever cost, at whatever hazard.

For that reason and for the additional reason that this bill fails to distinguish between flagrant violations and casual violations, I must of necessity oppose it. You place in the same category the beardless youth or an immature girl at a party in the same class with the vile refiner of denatured alcohol. You do not distinguish between the two. You do not define any degrees of criminalty. The judge may treat all alike. That is barbarous. You say that the judge in his discretion may distinguish between the casual or slight violator and the habitual offender, but I defy anyone in this Chamber to give a legal definition of a casual violator. Give me a legal definition of an habitual offender. How many times must a man commit a crime to become an habitual offender? You leave all that to the judge's imagination. There is nothing known in jurisprudence as to what a casual, slight violation is. The judges are given no guide as to what they shall or shall not do. You have placed a legal monstrosity in the bill. Gentlemen of the distinguished Judiciary Committee, it is meaningless. I never knew yet of a statute in the whole history of American civil or criminal law where you direct that the court shall make this kind of a distinction without telling the court what the distinction is. You have cowardly, I should say, passed the buck to the district court. You make the judges of that court legislate and make them do that which you ought to do. You do not tell them definitely what you mean, and for that reason I am opposed to this bill.

By making it possible to send a violator to jail for five years you place a prohibition violation upon a parity with a violation of the white slave law. Surely transporting a woman for purposes of prostitution or debauchery is a more serious offense than making home brew or carrying a half-pint flask of whisky, yet by section 398, title 18, Code of United States trafficking in white slavery incurs a fine not exceeding $5,000 or imprisonment for not more than five years. By section 82, Criminal Code, the crime of shanghaiing sailors incurs a fine of not more than $1,000 or imprisonment for not more than one year, or both. Enslaving on board ship, by section 426, title 18, Criminal Code, incurs a fine of not more than $10,000 and imprisonment of not more than four years.

Mr. W. C. Gilbert has made for me a tabulation of penalties of five years' imprisonment or $10,000 fine or over. I herewith give you the result of his labors, as proof that enlarging prohibition penalties to $10,000 or five years, or both, practically places prohibition violation in the category of a felony. [Applause.]

The matter referred to is as follows:

LIBRARY OF CONGRESS, LEGISLATIVE REFERENCE SERVICE

PENALTIES OF FIVE YEARS' IMPRISONMENT OF $10,000 FINE OR OVER, IN THE CRIMINAL CODE OF THE UNITED STATES

(35 Stat. 1088, c. 321)

[NOTE.—Unless otherwise stated, the term of years noted, as well as the amount of fine, is the maximum authorized.]

SEC. 2. Treason (5 years or $10,000 minimum, discretionary).

SEC. 3. Misprision of treason (7 years plus $1,000).

SEC. 4. Insurrection (10 years or $10,000).

SEC. 6. Conspiracy against United States (6 years or $5,000).

SEC. 7. Recruiting for service against United States (5 years plus $10,000).

SEC. 11. Arming vessels against friendly power ($10,000 plus 3 years).

SEC. 19. Conspiracy against civil rights (10 years plus $5,000).

SEC. 21. Conspiracy against public officer (6 years or $5,000).

SECS. 22–25. Army officers interfering with elections (5 years plus $5,000).

SEC. 27. Forgery of letters patent (10 years plus $5,000).

SEC. 28. Forgery of public records (10 years or $1,000).

SEC. 29. Forgery of deeds, etc. (10 years plus $1,000).

SEC. 30. Possession of false papers (5 years maximum or $500 fine).

SEC. 33. False personation of pensioner, etc. (10 years plus $5,000).

SEC. 34. Fraudulent demands against United States on fraudulent power of attorney (same as sec. 33).

SEC. 35 (40 Stat. 1015, c. 194). False claims against United States (10 years or $10,000).

SEC. 37. Conspiracy to defraud United States ($10,000 or 2 years).

SEC. 38. Interference with prize property ($10,000 or 5 years).

SEC. 40. Stealing papers relating to claims, etc. (10 years or $5,000).

SEC. 44 (39 Stat. 1194). Trespass on fortifications, etc. (5 years or $5,000).

SEC. 46. Robbery of personal property of United States (10 years or $5,000).

SEC. 47. Embezzling public money (5 years or $5,000).

SEC. 48. Receiving stolen property (5 years or $5,000).

SEC. 62. Interference with employees of Bureau of Animal Industry (5 years or $1,000).

SEC. 63. Forgery of certificates of entry ($10,000 plus 3 years).

SEC. 65. Resistance to officers making searches (10 years).

SEC. 70. False certification by consuls, etc. ($10,000 plus 3 years).

SEC. 73. Forgery of bounty land warrants, etc. (10 years).

SECS. 74, 75. Forgery, etc., of certificates of citizenship (10 years or $10,000).

SECS. 76–78. False personation in procuring naturalization, use of false certificates, etc. (5 years or $1,000).

SEC. 80. False swearing in naturalization proceedings (5 years plus $1,000).

SEC. 87. Conversion by disbursing officers (10 years or fine up to amount embezzled).

SECS. 88, 89. Depositary, etc., failing to keep money safe, etc. (10 years plus fine equal to amount embezzled).

SEC. 90. Officer failing to render account, etc. (same as sec. 88).

SEC. 91. Failure to deposit public money (same as sec. 88).

SEC. 96. Banker receiving unauthorized deposits (10 years or fine not more than amount embezzled).

SEC. 97. Embezzlement by internal revenue officer (same as sec. 96).

SECS. 99, 100. Embezzlement by court officers, etc. (same as sec. 96).

SEC. 102 (a similar provision, probably superseding this, was made in 42 Stat. 937 sec. 305). Officers aiding distribution of obscene literature, etc. (10 years or $5,000).

SEC. 105. False certificate of recording of deeds (7 years or $1,000).

SECS. 112, 113. Member of Congress taking consideration for securing contracts, etc. ($10,000 or 2 years).

SEC. 123. Giving out advance information of crop reports ($10,000 or 10 years).

SEC. 124. False statistics in crop reports ($5,000 or 5 years).

SECS. 125, 126. Perjury or subornation (5 years or $2,000).

SEC. 127. Stealing process, etc. ($5,000 or 7 years).

SEC. 130. Forging signature of judge, etc. ($5,000 plus 5 years).

SEC. 131. Bribery of judicial officer ($20,000 or 15 years).

SEC. 132. Accepting bribe by judicial officer ($20,000 or 15 years).

SEC. 136. Conspiracy to intimidate witnesses, etc. ($5,000 or 6 years).

SEC. 142. Rescue of criminals at execution, etc. ($25,000 or 25 years).

SEC. 148. Forgery of United States securities ($5,000 plus 15 years).

SEC. 149. Counterfeiting of national bank notes, etc. ($1,000 plus 15 years).

SEC. 150. Unauthorized use of plates of United States securities, etc. ($5,000 or 15 years).

SEC. 151. Uttering forged securities ($5,000 or 15 years).

SEC. 152. Taking impressions of plates, etc. ($5,000 or 10 years).

SEC. 153. Unlawful possession of impressions from plates, etc. ($5,000 or 10 years).

SEC. 154. Dealing in counterfeit securities ($5,000 or 10 years).

SEC. 155. Embezzling tools for printing securities ($5,000 or 10 years).

SEC. 156. Counterfeiting of foreign securities ($5,000 plus 5 years).

SEC. 161. Possession of counterfeit plates of foreign securities, etc. ($5,000 or 5 years).

SEC. 162. Piecing different notes ($1,000 or 5 years).

SEC. 163. Counterfeiting gold bars, etc. ($5,000 plus 10 years).

SEC. 165. Mutilating coins, etc. ($2,000 plus 15 years).

SEC. 166. Officers of mint debasing coins ($10,000 plus 10 years).

SEC. 167. Passing coins resembling gold coins, etc. ($3,000 or 5 years).

SEC. 168. Passing devices resembling minor coins ($1,000 plus 5 years).

SEC. 169. Counterfeiting dies for United States coins ($5,000 plus 10 years).

SEC. 170. Counterfeiting dies for foreign coins ($2,000 or 5 years).

SEC. 174. Circulating bills of expired banks ($10,000 or 5 years).

SEC. 191. Stealing, etc., mail locks or keys ($500 plus 10 years).

SEC. 192. Breaking into post office ($1,000 plus 5 years).

SEC. 194 (43 Stat. 677, ch. 318). Stealing mail matter ($2,000 or 5 years).

SEC. 195. Postal employee embezzling mail matter ($500 or 5 years).

SEC. 197. Assault on custodian of mail (10 years; second offense, etc., 25 years).

SECS. 211, 212. Mailing obscene or libelous matter, etc. ($5,000 or 5 years).

SECS. 215, 216. Using mails to defraud ($1,000 or 5 years).

SEC. 217. Mailing poisonous matter, etc. ($5,000 or 10 years).

SEC. 218. Counterfeiting money orders ($5,000 or 5 years).

SECS. 219, 220. Counterfeiting postage stamps ($500 or 5 years).

SEC. 225. Misappropriating postal funds (10 years, or fine equal to amount stolen).

SEC. 228. Fraudulently increasing weight of mail, during weighing period ($20,000 or 5 years).

SEC. 236 (41 Stat. 1445). Unlawful transportation of explosives, causing death, etc. ($10,000 or 10 years).

SEC. 245 (41 Stat. 1060, ch. 268). Importing obscene books, etc. ($5,000 or 5 years).

SECS. 246, 247. Detaining slaves on board ship or seizing them abroad (life imprisonment).

SEC. 248. Bringing slaves into United States ($10,000 plus 7 years).

SECS. 249, 250. Equipping vessels for slave trade, or transporting persons as slaves ($5,000 plus 7 years).

SEC. 251. Masters hovering on coast with slaves on board ($10,000 plus 4 years).

SEC. 253. Master receiving persons as slaves ($5,000 or 5 years).

SECS. 268, 270. Kidnaping into slavery, etc. ($5,000 or 5 years).

SEC. 271. Bringing kidnaped person into United States ($5,000 plus 5 years).

OFFENSES ON HIGH SEAS, ETC.

SEC. 275. Murder, second degree (10 years to life); manslaughter (10 years).

SEC. 276. Felonious assaults (various offenses, 5 to 20 years).

SEC. 279. Carnal knowledge (15 years; second offense, 30 years).

SEC. 282. Negligence by officer causing loss of life, etc. ($10,000 or 10 years).

SEC. 283. Maiming ($1,000 or 7 years).

SEC. 284. Robbery (15 years).

SEC. 285. Arson of dwellings (20 years).

SEC. 286. Arson of other buildings, etc ($5,000 plus 20 years).

SEC. 287. Larceny over $50 ($10,000 or 10 years).

SECS. 290, 294, 302, 304, 305. Piracy (life imprisonment).

SEC. 291. Maltreatment of crew ($1,000 or 5 years).

SEC. 292. Inciting mutiny ($1,000 or 5 years).

SEC. 293. Revolt or mutiny by crew ($2,000 plus 10 years).

SEC. 296. Conspiracy to abandon ship ($10,000 plus 10 years).

SEC. 297. Plundering ship in distress (10 years to life).

SEC. 298. Attacking vessel with intent to plunder ($5,000 plus 10 years).

SEC. 299. Breaking and entering vessel ($1,000 plus 5 years).

SEC. 300. Owner destroying vessel to prejudice insurers (any term of years or for life).

SEC. 301. Other than owner destroying vessels (10 years).

SEC. 303. Arming vessel against United States citizens ($10,000 plus 10 years).

SEC. 306. Officer running away with vessel, etc. ($10,000 or 10 years).

OFFENSES IN TERRITORIES, ETC.

SEC. 312. Exhibition of obscene literature, etc. ($2,000 or 5 years).

SEC. 313. Polygamy ($500 plus 5 years).

SEC. 317. Incest (15 years).

SEC. 320. Engaging in prize fights, etc. (5 years).

SEC. 322. Train robbery (5,000 or 20 years).

(W. C. Gilbert, February 27, 1929.)

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PURNELL. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Speaker and Members of the House, there is nothing strange in the opponents of prohibition standing on the floor of Congress and fighting the rule and the bill under consideration. They have resisted and fought every measure Congress has ever considered for the enforcement of prohibition. The gentleman from New York [Mr. O'CONNOR], during his remarks, stated that if we pass this bill it can not be enforced. Then a few moments later the lady from New Jersey [Mrs. NORTON] gave as one of her reasons for opposing the bill was that if enacted into law we would have to build more prisons in order to confine thousands who would be found guilty of violating the act. My good friend from New York [Mr. BOYLAN], in opposing the bill, spoke about the crowded conditions in the Atlanta Penitentiary. I was a member of the special committee of Congress which Mr. BOYLAN mentioned as investigating the Atlanta prison last November. While it is true that a great many of the inmates of this institution were convicted of violation of the prohibition law, the fact remains that 35 per cent of the inmates of this prison were sentenced for violation of the narcotic laws. Next on the list were those found guilty of violating the Dyer Act, relating to the theft of automobiles, and prohibition came third. I call attention to this in order to show that violators of the prohibition laws do not constitute the greatest number of commitments to our Federal prisons.

The gentleman from New York, in a sneering way, spoke about the hypocrisy of the eighteenth amendment and the Volstead Act, and he stated that nobody wanted it and that its enforcement was impossible. The gentleman may speak for his own district in New York City, but, on the other hand, however, he does not speak for or represent millions of law-abiding, respectable citizens of our country who are in favor of prohibition and want to see it enforced. [Applause.] When the gentleman from New York states that the people of our country do not want prohibition and its enforcement, may I remind him that during the national political campaign last November one of the candidates for the office of President of the United States carried the prohibition fight right to the people. I do not doubt the sincerity of his convictions on this question. He traveled over the country standing on the platform as being opposed to prohibition and for the repeal of the Volstead Act. But when the votes were counted we find this candidate carrying only 8 out of the 48 States of the Union. [Applause.] To my mind the vote last November was conclusive evidence that an overwhelming majority of the people of our country are in favor of prohibition and its enforcement.

What was probably the greatest, bloody, diabolical crime that was ever committed in our country took place in the city of Chicago about two weeks ago. Seven men were caught like rats in a trap, with no chance to defend themselves, and shot down in cold blood by a low criminal band of rum runners and violators of the prohibition laws. Yet when we to-day consider

and attempt to pass a bill which might put a stop to some of the rum-running activities of these law violators, we find strong opposition fighting legislation of this character. The eighteenth amendment is part of the fundamental law of our land, and as such it should be rigidly enforced. I believe the time has come when we must put more drastic laws on our statute books for the enforcement of the Volstead Act. I shall vote for the rule and the bill and trust it will be passed by a large majority. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker, this bill is an amendment to the national prohibition act and provides that the penalty for conviction or violating what is commonly termed the Volstead Act is increased from a fine not exceeding $1,000 or imprisonment not exceeding six months for the first offense to a fine not exceeding $10,000 or imprisonment not to exceed five years, or both. The exact language is "the penalty imposed for each such offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both." The proviso relative to the intent of Congress means absolutely nothing, and there is not a man in Congress who does not know it.

There is nothing mandatory in the act to compel the judges to recognize the intent of Congress. Unless it is specifically stated that casual or slight violators are not to be subject to the penalties the court will be perfectly within its right to administer the maximum punishment if it so desires.

With every penitentiary in the United States and practically all the city and county jails overpopulated the Congress is rushing consideration as though a great emergency existed of a bill making it a felony to carry a flask upon the hip, or to even make a glass of beer. The bill has passed the Senate, and if favorable action is taken here to-day it will go to the President for his signature.

Making a glass of beer is a violation of the Volstead Act; making wine or cider with an alcoholic content of more than one-half of 1 per cent is likewise a violation of the Volstead Act. If the judge so desires, under the terms of this bill, he can send the housewife who makes beer for her husband or wine for her family to the penitentiary for five years. The college boy who forgets himself after the home team has won a great struggle and in his enthusiasm carries a small bottle of whisky or gin on his person can be branded a felon and sent away to a Federal penitentiary for five years; the business man who goes to play golf and takes a flask along to use when he reaches the nineteenth hole, finds himself in a similar position if apprehended.

Mark you, this law does not apply only to the habitual violator, but it applies to the first offender even though beer, wine, or whisky is handled for personal use, be it man, woman, or child.

Further, it provides the same penalties for each such offense. If a man sells five drinks of whisky he can be sent to the penitentiary for 25 years and fined $50,000.

Mr. Speaker, if everyone who violates the eighteenth amendment to the Constitution and the Volstead Act was apprehended to-morrow you could not secure a quorum in any legislative body, National or State, the executive branches of the Government and States would be unable to function, the wheels in the great industrial establishments would cease to revolve, mercantile establishments would be required to close their doors as clerks would not be available, shoe and clothing factories would shut down and the Nation would face starvation, as there would not be sufficient man power left on the farms to raise the necessities of life. Should you turn the office buildings of the country into jails there would not be sufficient room to house the prisoners. The country would be paralyzed.

This is not idle talk, but plain truth. Still, you would place on the statute books a law considered by a great committee of the House where, when the hearing was held, no publicity being given the matter, only two persons—a Member of Congress and Mrs. Mabel Willebrandt—appeared as witnesses.

The committee ignored the petition signed by numerous Members of the House requesting that a public hearing be held, considered the Senate bill Monday morning for less than one and one-half hours, ordered the chairman to report it, and further asked that he secure a special rule for immediate consideration.

Why this action? For no other reason but that the professional dry leaders cracked the whip and said, "Our will must be done." They demand passage of the bill before adjournment. When this bill is voted upon you will witness a different scene than that which presented itself Monday. It will afford those who declined to stand hitched Monday an opportunity to rehabilitate themselves, as they accused others of doing in advocating the $24,000,000 amendment. They will want to get back in the good graces of the dry organizations and this time will respond to the crack of the whip.

I wonder if a promise was made to those drys who opposed the $24,000,000 that this opportunity for rehabilitation would come if they assisted in defeating the amendment?

Whether it was or not, those seeking rehabilitation on both the Republican and Democratic sides will this time be united and use the steam roller in passing the bill making it a felony to make or have in one's possession a bottle of beer or a flask of whisky, and subject the guilty one if apprehended to a sentence of five years in the penitentiary if the judge so disposes.

When the official charged with administration declares he would not know what to do with the money if it was made available I certainly did not vote to waste $24,000,000 of the taxpayers' money, nor will I vote for a bill that would give a judge the power to send a man, woman, or child to the penitentiary for five years for making a bottle of beer or carrying a flask of whisky in his pocket.

Mr. Speaker, no opportunity was given to Members to express their views when the $24,000,000 amendment was pending.

I do not approve of limited debate when questions of vast importance to the Nation are before the House. Members should have reasonable time to present arguments in behalf of their convictions. Although opposed to the motion it seems to me a thorough discussion would have been beneficial to the country. I fully realize that certain Members found themselves in a most embarrassing position and wanted to dispose of the question, even without debate if possible, taking the position that the least said the better.

However, the action of the House in voting down the $24,000,000 additional for the enforcement of prohibition will be commended by reasonable prohibitionists as well as those opposed to the eighteenth amendment and Volstead law.

For once I am willing to commend the prohibitionists, at least those in the House who voted against the effort to squander $24,000,000 of the people's money. In my opinion there was no sound reason for advancing this proposal.

The gentleman from Florida [Mr. GREEN] indicated in his remarks Saturday evening that the Democratic side was practically unanimous in its support of the amendment. He has but to view the roll call to learn that there were many Democrats in the House who refused to respond to the demand of professional organizations.

If, as has been openly charged, some Members of Congress desired to rehabilitate themselves among their constituents, surely they should be more thoughtful of the public's purse than to do so at the expense of the taxpayers of the country.

I heard it stated numerous times that a vote on the amendment would put the Republicans in the hole. On the contrary, the vote strengthened them, because it met with the approval of every right-thinking citizen, wet and dry alike.

Members who voted for this amendment should give some thought as to where this money they would appropriate, which the administration says could not be properly used, comes from. Only a very small part comes from their section of the country. It is in the great cities of the country that the large portion of taxes is collected. The cities are now overrun with prohibition agents, themselves violating the Constitution almost daily by unlawful searches and seizures.

I challenge any dry Member to show where he has at any time called the attention of the prohibition administrator to violations of the law in his own community and received a reply that the appropriation was not sufficient to enable the sending of dry agents into that territory. If those who voted for the $24,000,000 appropriation will go to the commissioner and appeal for enforcement officers for their community, giving the facts to the administrator, I am sure he will respond and send agents into the districts of such Representatives with instructions to see that all violators are brought into court.

It is not the way of the drys to urge enforcement in their own localities; they are satisfied to have nine-tenths of the enforcement officers stationed in the large cities. They do not appeal for help in cleaning up their own States.

During debate a Member read of the condition of the courts, naming the various States where the docket was congested. Among those States was Georgia, a so-called dry State, from whence the man comes who originally proposed this amendment.

Recently I asked a real prohibitionist from my State, a Member of this House, if prohibition agents ever visited his district. He admitted they did not, but since then one did visit the largest town in his district. What did he do? There were two druggists in the town, the stores being within a few feet of each other, one run by a Democrat and the other by a Republican. The Democrat was raided but the Republican was not molested. As far as could be learned no effort was made to see

if the Republican was violating the law. I am not saying that he was, but I simply say that this agent, from all reports, did not attempt to find out.

A committee of Congress has just been told by the "chief snooper" of the unofficial law enforcers of the District of Columbia that there are 5,000 speak-easies in Washington, the Nation's Capital. He told the committee that his "snoopers" had discovered that there were whole blocks where liquor could be bought at each house. He insisted the telephone company had a separate private exchange where all connections with bootleggers and gamblers were made, and that the telephones were unlisted. Further, that the telephone company declined to give the location of unlisted telephones to the police.

The manager of the telephone company explained that now, as before prohibition, many residents of large cities insist that their telephones not be listed, as they did not desire to be disturbed at home. This included business and professional men as well as many Members of Congress. Still this unofficial law-enforcing organization would lead you to believe that all such telephones are connected with homes of bootleggers and gamblers.

I do not doubt that there are 5,000 homes in Washington where either whisky, wine, or beer will be found. In fact, the number probably is closer to 25,000, but it is there for personal use of the occupants of the home not for sale.

If the prohibitionists of the country would make a real survey of the present-day situation, they will find that by the adoption of the eighteenth amendment and the enactment of the Volstead law they have caused liquor, beer, and wine to find its way into homes where it had never entered prior to prohibition days.

So long as corn, hops, barley, rice, sugar, and fruit are available you will have intoxicating drinks in this country.

The day will never come when products that go into the making of whisky, brandy, gin, beer, wine, and cider are not to be had, still you would enact a bill that would give a judge the power to send the housewife who makes a glass of beer for her husband who toils before the hot furnace throughout the day to the penitentiary for five years.

Mr. PURNELL. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Speaker and gentlemen of the House, a moment ago it was charged by gentlemen in opposition to the bill that it had not received consideration, and sport was made of the report by the Judiciary Committee on this bill.

Let me call to the attention of the House for the sake of the RECORD the fact that I hold in my hand the full hearings before the Judiciary Committee on the contents of this bill. So there was no need of a lengthy comment or report, because the House bill has been reported favorably from the committee and is now on the calendar of the House.

Now, just a word as to what this bill does. It unties the hands of the judge, so that he may mete out justice to a man not simply because he is a first or second or third offender but because he is an extreme offender of the law. That is all it does. It unties his hands and allows him to mete out justice according to the offense, and there is nothing else in the proposed law. The Department of Justice, which asks for this legislation, can be safely followed.

It ought to have the support of every man and woman of this House who believes in adequate law enforcement.

But let me leave this thought with you:

He who feels the halter draw,
Ne'er is in favor of the law.

[Applause.]

Mr. PURNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. SNELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SNELL. As I understand the situation, if we should adjourn now, this will be the unfinished business to-morrow after the disposition of matters on the Speaker's table?

The SPEAKER. It will then be in order for some gentleman to move that we go into the Committee of the Whole for the consideration of the measure.

Mr. SNELL. I think that is the best plan to follow, and the bill will be called to-morrow immediately after the disposition of matters on the Speaker's table.

PERMISSION TO ADDRESS THE HOUSE

Mr. VESTAL. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes to-morrow after the disposition of business on the Speaker's table and following the address of the gentleman from Nebraska [Mr. NORTON].

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

RETIREMENT OF THE DISABLED IN THE FORMER LIFE-SAVING SERVICE

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the life-saving retirement measure.

The SPEAKER. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, H. R. 16656, which passed the House February 18, 1929, and which passed the Senate February 25, 1929, provides that any individual who served in the former Life Saving Service of the United States as a keeper or surfman, and who on account of being so disabled by reason of a wound or injury received or disease contracted in such service in the line of duty as to unfit him for the performance of duty and was continued upon the rolls of the service for an aggregate period of one year or more under the provisions of section 7 of the act entitled, "An act to promote the efficiency of the Life Saving Service and to encourage the saving of life from shipwreck," approved May 4, 1882, and who ceased to be a member of such service on account of such disability, which disability still continues at the time of the enactment of this act, shall, upon making due proof of such facts in accordance with such rules and regulations as to the Secretary of the Treasury may prescribe, be entitled to retired pay from the date of the enactment of this act at the rate of 75 per cent of the pay he was receiving at the time of his separation from such service.

Section 7 of the act of May 4, 1882, to which reference has been made, was the only provision of law in the former Live Saving Service for taking care of those persons in that service who were disabled by reason of any wound or injury received or disease contracted in the service in the line of duty as to unfit them for the performance of duty. The beneficiaries under this proposed new legislation will be those persons of the former Life Saving Service contemplated by the bill who could not be brought within the purview of the act of January 28, 1915, creating the Coast Guard by combining therein the former Life Saving Service and the former Revenue Cutter Service. Measures for the relief of these persons were proposed in Congress shortly after the creation of the Coast Guard in 1915, and have continued ever since without success. We are to be congratulated that we are so near our goal in this matter. This bill touches the lives of a considerable number of persons in all sections of the country—the Atlantic coast, the Gulf coast, the Pacific coast, and the Great Lakes—and will, if signed by the President, at last render justice. There are numbers of distressing cases that it will relieve. I can best refer you to the letter of the Secretary of the Treasury addressed to the chairman Interstate and Foreign Commerce Committee of the House of Representatives, under date of February 10, 1928, in which the situation is fully discussed. It can not be stated definitely at this time just how many persons of the former Life Saving Service will be entitled to the relief provided by this bill. I understand that at the time the last survey was made there would be about 312 persons. Doubtless, since this survey some of these have passed to the great beyond, for many of them had passed their three score and ten at that time. Year upon year they will in the natural order of things be passing away. It is a measure with a constantly decreasing expense and before many years will be entirely obliterated. It is a measure which if passed into the law of the land will bring relief from penury and poverty and distress in many homes throughout the country. It is a measure which will give indisputable proof to the fact that the Government is not ungrateful and that it remembers, even at this late day, the service that the beneficiaries have performed in the name of humanity. It is a measure which recognizes the noblest of all causes—that of the saving of human life—and I know myself that thanksgivings will arise from many humble, happy homes when the word goes forth that this measure is a part of the law of the country. I have been brought into intimate contact with these life-saving men, and I know their sturdy qualities, I know of their devotion to duty, I know of their loyalty, and I know and the world knows the great service they render in saving lives and marine property from the perils of the sea. These old worn-out warriors of the surf who will come within the provisions of this measure were in the harness in the days when service was particularly hard, hazardous, and laborious, and before the introduction of present-day refinements, both as to boat equipment and as to living accommodations on the beaches. Their lives were spent in desolation, in exposure, in hardships, and in separation from the world. Speaking for myself, I know of no legislation that appeals stronger to our better natures, to our human side, than this. I am sure it will have the benediction of our coast people.

PROHIBITION ENFORCEMENT

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to print in the RECORD at this point an amendment which I propose to offer to-morrow to the bill that has been under consideration.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

In line 9, page 1, after the words "shall be," strike out all the language down to the word "*Provided*," in line 10, page 1, and insert in lieu thereof the following: "after the first offense for a casual or slight violation of said law a fine not to exceed $2,000 or imprisonment not to exceed one year, and for habitual sales, or transportation, importation or exportation, or illegal possession, indicating a commercialized business, a fine not to exceed $10,000 or imprisonment not to exceed five years or both."

REPORT OF THE FOREIGN SERVICE BUILDING COMMISSION

Mr. BEERS. Mr. Speaker, I offer a privileged resolution from the Committee on Printing.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 331

Resolved, That the report of the Foreign Service Building Commission transmitted to Congress on January 28, 1929, pursuant to the act entitled "An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America," approved May 7, 1926, be printed with illustrations as a House document.

The resolution was agreed to.

HOUSE RULES AND MANUAL OF THE HOUSE OF REPRESENTATIVES

Mr. BEERS. Mr. Speaker, I present another resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 344

Resolved, That the House Rules and Manual of the House of Representatives for the Seventy-first Congress be printed as a House document, and that 2,500 copies be printed and bound for the use of the House of Representatives.

Mr. SNELL. Is this the usual number that is printed?

Mr. BEERS. That is the usual print.

The SPEAKER. The Chair is informed this is the usual number.

The resolution was agreed to.

PRACTICES IN CERTAIN BUREAUS

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing certain remarks of my own in respect of certain practices in the departments.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GIBSON. Mr. Speaker, there has come to my knowledge through personal experience the existence of a dangerous practice in some of the bureaus of the Government that will soon grow into a settled policy unless checked.

I have found many instances when a Representative tries to help a constituent who comes in good faith for assistance that not only is a legitimate request turned down but the employee is punished for asking the help of a Member of Congress.

Some narrow-minded bureaucrat sets himself up as a censor over our actions and interferes in the legitimate exercise of the duties of our office.

I have been told that at the District Building an order has been issued that no one shall ask for any help of any kind at the Capitol without the consent of the commissioners. I am aware that the commissioners have done things they ought not to have done and have failed to do things they ought to have done, but I do not believe they have made such a ridiculous and questionable ruling.

I have been told of instances when chief clerks, after defeating a claimant for reclassification before the board, under the law, openly boasted to fellow employees of their success in turning down Congressmen who had interceded for constituents.

Heads of departments come to us for every cent they are entitled to expend. How do they expect that Congress will accept their requests through the Budget in a spirit of cooperation if they permit these little men, temporarily clothed with power, to treat Members of Congress with contempt?

The time has arrived when Members of this body must assert themselves and put an end to this activity of bureaucracy that, in general, is weakening the vital principles upon which the Nation was founded.

As for myself, I give notice right now if they interfere further in the performance of my duties as a Representative of the people of my district, or try to discipline any of my constituents for asking help, I will expose them by name, hold them up to public ridicule and contempt, and shall not rest until such enemies of representative government are driven out of the public service.

A NEW CRUISER "BROOKLYN"

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to extend my remarks on the cruiser situation and to insert an editorial from the Brooklyn Standard-Union on why one of the cruisers should be called the *Brooklyn*.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLACK of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following editorial from the Brooklyn Standard-Union on why one of the cruisers should be called the *Brooklyn:*

A NEW CRUISER "BROOKLYN"

If the energetic campaign of the friends of the Brooklyn Navy Yard succeeds, as now seems most likely, 2 of the 15 new auxiliary cruisers will be built here. Why not have one of them named the *Brooklyn?* The Standard-Union makes the suggestion in the belief that it is appropriate and in the hope that it will be effectively seconded both here and in Washington.

The career of the old cruiser *Brooklyn* is a brilliant chapter in our naval history. When it was launched, the city that has since evolved into the Borough of Brooklyn had a civic celebration. Its citizens, naming as their spokesman the late Mr. William Berri, who was then president and publisher of this newspaper, turned over to Capt. Francis Cook a costly silver service, to be carried in the wardroom in token of gratitude for the recognition. The community followed eagerly the exploits of its cruiser in the Spanish-American War. Flying the flag of Commodore Winfield Scott Schley, the *Brooklyn* helped to bottle up Admiral Cervera in Santiago Bay, and it commanded and led the chase in the battle of the 3d of July that wiped out Spain as a sea power.

The *Brooklyn* ended its active days only a few years ago, and since its passing this great metropolis has been without a naval namesake. There can be no cruiser *New York*, for this State is represented in the battleship squadron. Salt Lake City, Pensacola, Memphis, Richmond, Trenton all are among the cities remembered in the roll of post-war treaty cruisers. Brooklyn deserves a parallel recognition. Brooklyn would like to adopt a new warship as it adopted that gallant old sea fighter that served its country so well in peace and in war for 30 years.

SHIP CANAL ACROSS GEORGIA AND FLORIDA

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a proposed canal across south Georgia and northern Florida.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANKFORD. Mr. Speaker, the time is at hand, I believe, for an unprecedented development of our inland waterways. Enough time has elapsed since the World War for our Nation to have readjusted itself to the new economic strain occasioned by the war and for our Government to now undertake some really worth-while internal improvements.

The time is ripe for a more complete development of our inland waterways and for the completion of a barge line along an inland passage near the coast from Texas, by the way of the mouth of the Mississippi River to some point on the Gulf Coast of Florida, thence across the northern part of Florida and the southern part of Georgia to the Atlantic coast of Georgia, and thence to the New England States. Many other internal improvements should and no doubt will receive due attention, but I am especially anxious about the proposed canal across south Georgia and north Florida.

I am of the opinion that the next few Congresses will write an important chapter in the history of our Nation and that that chapter will be one of splendid internal improvements, not of any one section but for the whole Nation.

The improvements are muchly needed; the time is here for action; there is more brotherly love between all the sections than ever since the Civil War; the President who takes charge on next Monday is more nearly the President of the whole people than any other man since our beloved first President. No one section nor group of sections elected Mr. Hoover. As never before since George Washington, our new President was elected by the whole United States and, therefore, in the fullest sense, is the President of the whole people. He is truly of the Nation.

Mr. Hoover's vision will not be confined to any one section, but his horizon will be coextensive with the boundaries of our beloved Nation.

President Hoover is the first civil engineer since George Washington to enter the White House, and for this additional reason, like the Father of our Country, will give his valuable support to worth-while internal improvements.

For all these reasons, I am most hopeful that legislation will be enacted in the very near future, providing for the inauguration of a most splendid canal, drainage, irrigation, and inland transportation program.

Quite naturally I am most anxious about some very muchly needed improvements in my district. And I may say in passing that I had faith in Mr. Hoover as an ardent friend of our inland waterways before he was elected President or even nominated by the Republican Party.

I quote from my remarks of May 19, 1928, as recorded in the CONGRESSIONAL RECORD of that date, page 9232, as follows:

I have sought for 10 years to get a line up to pass a bill to construct the St. Marys-St. Marks canal. Nothing like this could be put over for the South in face of the so-called Coolidge economy program. If the Democrats win this year, I believe this canal can be built. If the Republicans win, with Hoover the civil engineer, our chances will be good. I shall do my best in either event.

Mr. Hoover has been elected and on next Monday at noon will become our President, and it seems to me that the times are most propitious for the ushering in of an era of genuine progress.

I am a Democrat and would truly like to serve at least one term as a Member of Congress with the Democrats in power in both Houses and with a Democrat at the other end of Pennsylvania Avenue. I feel though that if Republican we must have, let him be such a man as has just been elected, a man who is of the whole Nation, and who loves and will serve the whole people. I am now anxious to help make my preelection prediction come true. I want to help pass a bill to construct a canal across south Georgia and north Florida.

All who have given serious thought to the proposition agree that in the near future a barge canal at least will be constructed across south Georgia and north Florida, connecting the waters of the Atlantic Ocean with those of the Gulf of Mexico. Many, many reasons have, from time to time, been urged for the building of this canal. Anyone who will stop to look at the map of this country will wonder why it has not been done long ago.

A barge canal is being linked up from the New England States to the mouth of the Mississippi. This canal will not follow the coast line entirely around Florida, but will be constructed across the country about where Florida peninsula makes off from the main body of the United States. In fact, the greatest missing link in this barge line is now from the Georgia coast at St. Marys, Ga., to St. Georges Sound at the mouth of the Apalachicola River in Florida. There is now a splendid inland barge line along the Georgia coast between the islands and the mainland. This is practically true all the way to Maine. A barge route can, with little expense, be constructed from St. Georges Sound, Fla., to the mouth of the Mississippi.

This barge line will never be built around Florida for two reasons. First, it is too far, and in the second place, it would cost too much. Most of the Florida coast is not protected by islands, and hence light craft would be easily destroyed by heavy winds.

Then, again, even if the barge line should be constructed only from the mouth of the Mississippi to a harbor on the Georgia coast, the canal would be very valuable for many reasons. This would in effect move the mouth of the Mississippi River from the Gulf of Mexico to the Atlantic Ocean and furnish a new outlet on the Atlantic Ocean for all the great Mississippi Valley.

There are numerous cogent reasons why this canal should be constructed, but at this time I shall name only a few and hasten on to the discussion of another phase of the proposition.

FREIGHT RATES

It is admitted by all who are at all familiar with the proposition that the construction of the proposed canal will greatly reduce freight rates not only on commodities hauled on the canal but also on all freights hauled by other means throughout a large portion of our country and especially in the section directly affected by this muchly shortened water route of transportation. An eminent authority on railway transportation once testified before a special committee of the New York Legislature that—

The Erie Canal regulates the freight rates on all the railroads east of the Mississippi River, not only on those whose tracks run parallel with the canal but upon those that run in an opposite direction.

The Erie Canal originally cost about $51,000,000, but it is proving a wonderful investment for the people of the country, as it is estimated that it pays for itself about every two years in freight reductions. If the Erie Canal does this, can we not expect a wonderful reduction in freight rates by the construction of a canal shortening the distance from the Mississippi to the Atlantic Ocean by at least 500 miles? Several years ago it was estimated that the proposed St. Marys-St. Marks canal could be constructed for barge use for approximately $7,000,000, or for about one-seventh of the original cost of the Erie Canal. This canal can be constructed for about one-half the cost of one battleship. The battleship is used for only a few years and then is considered as worthless and ofttimes serves only as a target to be sent to the bottom of the ocean in some experiment. In peace times the battleship is little more than a pleasure craft for the Navy, and in war times it may be sent to the bottom of the sea by a bomb from some one person in an airplane. The canal for which I am pleading would repay for itself every few years in cheaper freight rates for the producers and the consumers and, with reasonable repairs, would be one of our Nation's greatest assets. It would not last for only a few short years, but would endure as long as this old earth shall be the home of the human race.

BENEFITS NATIONAL IN SCOPE

The proposed canal would prove beneficial to the whole people of our country. It is part and parcel of the great transportation system of our Nation which is now being rapidly brought to perfection.

To my mind, it is the great missing link in our system of inland waterways. It has been neglected too long. It should be built and that speedily.

MILITARY VALUE

It has been urged only recently that enormous expenditures are proper for military reasons. We are continuously spending hundreds of millions for naval armament. There seems to be no way to prevent, at this time, these large expenditures for military reasons, and yet we know that the battleships and other military and naval construction at best can last for only a few years. If the proposed canal is constructed on a basis somewhat larger than would be necessary for barge purposes it would in time of war prove very valuable. It would seem that a canal from the Georgia coast on the Atlantic to St. Georges Sound on the Gulf, capable of floating the lighter-draft warships, torpedo boats, submarines, and so forth, would be of the utmost value to the United States Government, which, by opening up the almost continuous inland route on the Atlantic coast, could send from New England to Louisiana and Texas, promptly and safely, armaments and stores to meet emergencies, which could not venture upon the high seas floating a hostile fleet.

Not only would the canal route be safer but would be about 500 miles shorter. It has been estimated that the St. Marys-St. Marks canal can be constructed on a scale sufficiently large to be used for the naval and military purposes just mentioned, at a cost of about $50,000,000, or at the expenditure of about the cost of three battleships. It has even been estimated that this amount will construct the canal and make such improvements along the Atlantic, from Georgia to New England, as will be necessary to complete the route to New York and beyond.

If it had absolutely no value at all in peace times; the Government can not afford to not complete this inland waterway route by the construction of this canal. It is easy to visualize a situation when the very life of our Nation might depend on the speedy movement of light warcraft from the Atlantic to the Gulf.

DANGEROUS STRAITS OF FLORIDA

Not only will this canal very much shorten the distance of water transportation from the Gulf to the Atlantic, but it will save hundreds of millions of property now lost in the trip through the dangerous Florida Straits, between Florida and Cuba. There will likewise be an enormous saving in insurance premiums. The rate will be practically nothing through the canal, whereas the rate is very high around Florida.

CLIMATIC CONDITIONS

The canal will be through a section with a mild and healthful climate. Corn and many other farm products are very much injured by the heat in a haul around Florida. There would be no danger of corn overheating or sprouting while being transported through the proposed canal.

People engaged in the construction of the canal, as well as those engaged in transportation along the canal, will find a most splendid climate. This section is a paradise of sunshine in the winter, and in the summer time the sea breezes, first from the Atlantic and then from the Gulf, make south Georgia and Florida all that can be desired in a climatic way. Even the swamps and forests of south Georgia are most healthful. Lieut. Col. Q. A. Gilmore, United States Army, in 1880 completed a survey of the proposed canal from St. Marys to St. Marks, and in speaking of the healthy appearance of the people who live in and near the Okefenokee Swamp said:

There are no difficulties to be encountered of a climatic character in excavating a canal anywhere along the line of our surveys at any season of the year. Our parties were remarkably free from any injurious effects due to climate. Though in the swamp in midsummer, not an instance of sickness was recorded. The Okefenokee and contiguous swamps are among the most healthy portions of the country. The inhabitants—the Mixons, the Lees, and Chessers—all living within the limits of the Okefenokee, are as robust and healthy in appearance as persons from the highlands of Georgia. A physician is scarcely ever heard of in this section of country. I met many others on both the western and eastern borders of the swamp who live within its influence, and they all seemed to possess remarkedly good health and constitutions. They claim that they have no sickness from miasmatic influences. There would be, I am sure, no difficulties on account of a malarious climate in constructing a canal in all its parts during any season of the year.

TWELVE MONTHS' SERVICE

While the Canadian canals are frozen each year from four to five months, the canal through this southern section would be open the entire year. For this reason this route has a tremendous advantage over any route through the Great Lakes region. But as the country develops there is ample room for a more complete waterway development both north and south as well as east and west and in the great sections between.

FORMER SURVEYS

Several surveys have heretofore been made and some are being made now of some of the routes proposed by my bill, but none have given the entire territory the careful survey and study that I am now seeking. In fact, several recent river and harbor bills have authorized surveys that are helpful and which will be considered in connection with more extensive surveys in the future.

SEA-LEVEL CANAL

I am thoroughly convinced that a canal will be constructed from the Gulf to the Atlantic making unnecessary the long trip around the Florida Peninsula. I am very much interested in when and where the canal will be constructed and shall it be a sea-level canal large enough to carry the largest vessels or shall it be a barge canal? If it is to be a sea-level canal, it will not be constructed through any part of my State unless St. Marys River is used as the eastern terminus. There are most excellent harbor facilities at St. Marys and Cumberland Sound close by. A sea-level canal probably will never be constructed from St. Marys to St. Marks. The distance is too far and it could so much more easily be constructed from St. Marys to some point on the Gulf coast farther east than St. Marks. Of course, a sea-level canal would cost much more money than a barge line and would have a very different effect on the country through which it passes. A sea-level canal through the Okefenokee Swamp, for instance, would help to drain the swamp whereas a barge canal would cause the flooding of the swamp. It is altogether likely that a barge canal can be built in the near future whereas a sea-level canal, being costly, can only be built after a long, hard fight. Very likely a barge canal will be built in the near future and then later also there will be constructed a sea-level canal.

A sea-level canal will be constructed either near the present proposed St. Marys-St. Marks canal route or to the south thereof. A barge line will be constructed either along the present proposed St. Marys-St. Marks route or to the north thereof.

BARGE CANAL

I am convinced that a sea-level canal will probably not be built in the near future and that a barge canal will probably be built in the next few years. For these reasons I am seeking a complete survey and study of the entire territory to be directly affected.

BILL PROVIDING FOR CERTAIN SURVEYS

On the 19th of this month I introduced H. R. 17178, which provides among other things:

That the Secretary of the Interior is hereby authorized to make such studies, surveys, investigations, and do such engineering as may be necessary, to determine the lands that should be embraced within the boundaries of a reclamation project, hereafter to be determined and definitely located, and to determine definitely, and recommend, the relative merits of the projects hereinafter described, and which of said proposed projects is the most practicable, feasible, and desirable, and the cost of the same.

It will be seen that I am seeking a thorough survey and study of the entire territory from Macon, Ga., to the proposed St. Marys-St. Marks canal route and between the Ockmulgee and Altamaha Rivers and the Chattahoochee and Apalachicola Rivers with a view of determining just where a barge line can be best constructed across Georgia and Florida, joining the waters of the Gulf of Mexico with the Atlantic Ocean.

DRAINAGE AND RECLAMATION

It is most essential that a special study be made of the drainage and reclamation problem in connection with the proposed canal. A barge line will operate as a drainage canal for certain areas and therefore he helpful in this respect. It will also be essential that water be impounded in reservoirs on the higher levels and that certain lands in this way will be flooded. If the canal should be constructed through the Okefenokee Swamp, that swamp would be utilized as a great reservoir, from which water would be drawn for canal uses upon the higher levels.

It will, therefore, be seen that the question of whether or not the Okefenokee Swamp should be drained or kept flooded enters into the problem. Most of the streams entering the Okefenokee Swamp are from the north, while the streams flowing out of the swamp drain toward the south. For this reason a canal running on the north side of the Okefenokee Swamp would cross the streams flowing into the swamp before they reach the swamp, and therefore divert much of that water from the swamp, thus helping to drain the swamp rather than flood it. To my mind, one of the strong arguments for a canal proceeding through Ware and Clinch Counties, at or near the Atlantic Coast Line Railroad, is in the fact that numerous small streams flowing from the north will operate as feeders of the canal and yet prevent the flooding of a large area in and adjacent to the Okefenokee Swamp. It will be seen that a most careful study should be given to the drainage and irrigation problem in connection with any canal that may be built. This is a vital problem not only for the present but also for the future.

POWER DEVELOPMENT

My bill also provides that said survey shall include a study and report of power development possibilities that may be developed in connection with said projects and surveys. I feel that this study should be made, as considerable power may be developed in connection with dams that may be constructed for the impounding of water for use along the upper levels. Of course, some routes will prove more valuable than others in this respect.

SEVERAL ROUTES PROPOSED

By my bill I am proposing a survey and study of several routes, with the purpose of ascertaining definitely the best route after due consideration being given to all angles of the problem. My bill also provides for such other surveys as may be necessary to ascertain the very best route regardless of whether it is included in those proposed in the bill or not.

ST. MARYS-ST. MARKS ROUTE

This route is considered by many as being the most practical one, and I am free to confess it may prove to be such. It certainly has the advantage of being the shortest route from harbor facilities at St. Georges Sound, Fla., to harbor facilities on the Georgia coast.

I am inserting in the RECORD a map, prepared by Mr. H. McEwen, of the Coast and Geodetic Survey, Department of Commerce, which illustrates the different routes proposed. There is indicated on this map a straight canal from St. Marys to St. Marks, such as would probably be followed if a sea-level canal should be constructed. It may be though that the St. Marys River would be used for a considerable distance to a point near Folkston, even if a sea-level canal should be constructed. It is certain that the St. Marys River would be used for this distance if a barge-line canal should be constructed from St. Marys to St. Marks. This route also has the advantage of passing through the Okefenokee swamp, thus making available a reservoir of water of sufficient capacity to supply the canal throughout the entire length, especially when this supply will be augmented by other streams crossed along the route. It is quite evident that the St. Marys River could not be utilized as a route beyond a point where it crosses the Atlantic Coast Line Railroad near Folkston, as the river from that point to the Okefenokee swamp is crooked and does not flow in the right direction and could not be made navigable without heavy expenditure. The Suwanee River would not be followed at all, as it is crooked and enters the Gulf too far to the south, leaving too much unprotected coast line between its mouth and sufficient harbor facilities at or near the mouth of the Apalachicola River. In fact, the Gilmore and other surveys plan a canal route through the Okefenokee swamp along a practically straight line to St. Marks, following a course a little to the north of that shown by the map herewith printed in the RECORD. Major Gilmore in speaking of this route said:

The canal should have its eastern terminus on the St. Marys River at the place known as Camp Pinckney, 29 miles—measured by the river

line as it will be when improved—above the town of St. Marys, at the head of ship navigation. From thence it will run in a right line south 68° west to and through the Okefenokee Swamp, crossing the Suwanee River near Blounts Ferry; thence to Ellaville, 77 miles.

From near Ellaville the direction of the line changes slightly, bearing south 76° 15′ west, 64 miles to St. Marks, on the Gulf of Mexico. The whole distance from the town of St. Marys to St. Marks, connecting the waters of Cumberland Sound with the Gulf of Mexico by this route, is 170 miles.

TERMINI

It is of vital importance that a barge canal have ample harbor facilities both on the Atlantic and Gulf. The entire Georgia coast is protected by a chain of islands, thus making a splendid inland waterway between the islands and the mainland and furnishing splendid harbor facilities all the way from the St. Marys River to the Savannah River. An inland waterway can be very easily constructed, and in fact has already been installed, most of the way from the mouth of the Mississippi River to St. Georges Sound, at the mouth of the Apalachicola. The Florida coast is not protected by a chain of islands from St. Georges Sound to Cedar Keys, at or near the mouth of the Suwanee. Therefore it is essential that the barge-canal route have as its western terminus St. Georges Sound and proceed to any point on the Georgia coast. In fact, all agree that if the St. Marys-St. Marks Canal is constructed for barge purposes, it will be necessary to extend it westward from St. Marks to St. Georges Sound, and, therefore, as a matter of fact, it would become the St. Marys-St. Georges Canal.

SATILLA-AUCILLA ROUTE

My bill provides for a survey of this route along the Satilla River to a point at or near Waycross, Ga.; thence westward along or near the Atlantic Coast Line Railway to a point on the Aucilla River at or near Quitman, Ga.; then along the Aucilla River to St. Marks, Fla. It will be observed from the map that the Aucilla River enters the Gulf near St. Marks, Fla., the proposed western terminus of the St. Marys-St. Marks Canal. In the event this route is used it will be necessary, of course, for the canal to be constructed either from St. Marks or some point on the Aucilla River to St. Georges Sound. This route would be slightly longer than the St. Marys-St. Marks Canal. However, there are many features in connection with this route which to my mind makes advisable a most careful study of same.

SATILLA-OCHLOCHONEE ROUTE

I am asking for a survey of the Satilla River to a point on said river at or near Mora, Ga., thence along the most practicable barge-canal route to the headwaters of the Ochlochonee River at or near Moultrie, Ga., thence along said river to St. Georges Sound. This proposed route is indicated on the map as route E. This route would be from the Atlantic Ocean, via Waycross, to a point on the Satilla River at or near Mora, Ga. The route proceeds from there to the headwaters of the Ochlochonee River and follows that river to St. Georges Sound. The river flows into the Gulf through two channels, one being known as Crooked River, which enters St. Georges Sound, the other being the main channel of the river proper. This route has the advantage of a river flowing in the right direction and entering a splendid harbor on the Gulf.

OCMULGEE-OCHLOCHONEE ROUTE

This route uses the Ocmulgee River to a point at or near the northwest corner of Coffee County; thence along the most feasible and practicable barge-canal route to the headwaters of the Ochlochonee River, following that river to St. Georges Sound. This route has some advantages over all the others heretofore mentioned, one being the use of Ocmulgee and the Altamaha River as a route from the northwest corner of Coffee County to the Atlantic Ocean. This route is indicated on the map as route D.

OCMULGEE-PENNAHATCHEE ROUTE

The route to be surveyed in connection with this project is the shortest one yet proposed and has the advantage of connecting two streams, one of which is navigable, and the other one can be made navigable at reasonable cost. Each of these streams flow in the right direction, one entering the Gulf at St. Georges Sound and the other entering the Atlantic at or near most splendid habor facilities. I feel a most careful study should be made of the advantages of this route. This is indicated on the map as route B.

OCMULGEE-CHATTAHOOCHEE ROUTE

This project is indicated on the map as route A. I am asking for a careful survey between the Ocmulgee River at a point at or near Hawkinsville or Macon, Ga., and the Chattahoochee River at or near Columbus, Ga., as well as a survey of the streams from the termini of the actual canal both to the Gulf and Atlantic Ocean.

ALTAMAHA-APALACHICOLA ROUTE

I am asking that a survey be made of the Altamaha and Ocmulgee Rivers to a point on either river selected as a terminus of a barge canal, and thence along the most feasible, practicable, and economical route, joining the waters of the Altamaha River with the waters of the Apalachicola River. I am indicating on the map a route which I think very probably meets all requirements. This appears on the map as route C. This route, to my mind, is one of the very best proposals, and I would not be surprised should the engineers select it as being preferable to all others. It ties together four large navigable rivers which have splendid harbor facilities both on the Gulf and Atlantic Ocean, and which comprise a very large percentage of the entire route from gulf to ocean. The canal to be constructed is of reasonable length, across fairly level country, intercepting sufficient streams to probably furnish an abundance of water for the canal along its upper levels. One thing is settled, and that is that the proposed barge canal route will extend from the mouth of the Apalachicola to the mouth of the Altamaha River regardless of where it may be constructed.

ST. SIMONS-ST. GEORGES ROUTE

What I have just said about the Apalachicola-Altamaha route equally applies to the last route mentioned. If the Altamaha River is used as a part of any proposed route, then that route will enter the ocean at or near St. Simons Island. If the route enters the Atlantic at any point south of St. Simons, it will eventually in its course northward reach St. Simons Island. Then, again, I am asking for a survey from Brunswick Harbor along Turtle River and from Turtle River to a point on the Satilla River at or near Waynesville, Ga. If the Satilla River should become a part of a canal route, it may be found advisable to thus connect the Satilla River and Brunswick Harbor, using that splendid harbor as the Atlantic terminus of the route.

OTHER ROUTES

In order that a most thorough study be made of the entire field, section 3 of the bill provides:

That such additional surveys are authorized as may be necessary to locate and determine the most practical economical barge-canal route from the Gulf of Mexico to the Atlantic Ocean through south Georgia and north Florida, and also to determine the amount and value of farm land that may be drained in connection with or will be flooded by said canal.

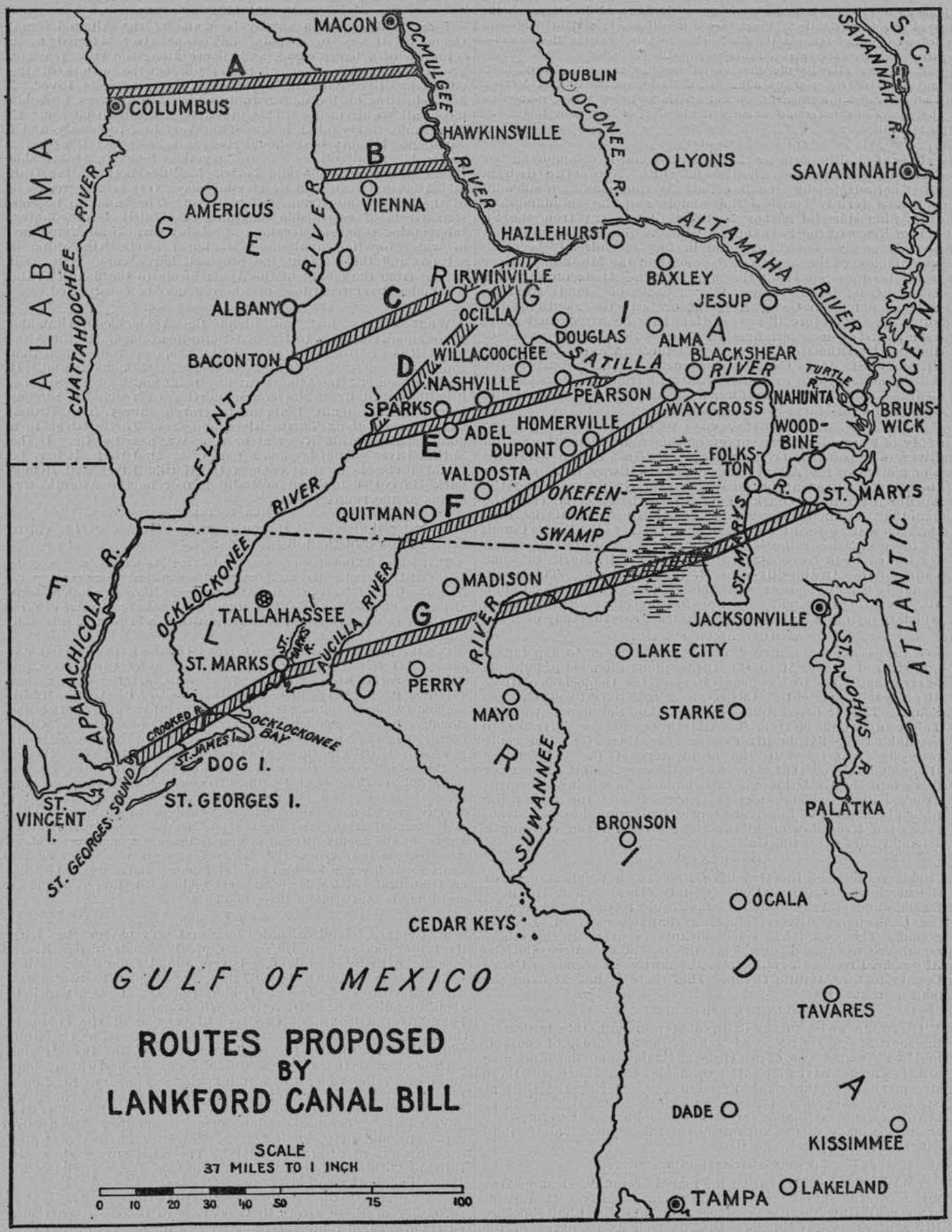
For the purposes specified herein special authorization is given for surveys (a) from Brunswick Harbor by the way of Turtle River and thence to Satilla River at or near Waynesville, Brantley County, Ga.; (b) from the St. Marys River along the boundary line between Charlton and Camden Counties, Ga., to the Satilla River; and (c) from the Ocmulgee River, beginning at or near the northwest corner of Coffee County, Ga., and proceeding over the most practical barge-canal route to a point on the Flint River at or near Baconton, Ga.; (d) beginning at the boundary line between Charlton and Camden Counties, Ga., on the St. Marys River or the Satilla River or on the survey connecting these rivers along said county boundary line and proceeding either directly west through the Okefenokee Swamp or on the north side of said swamp along the most practical and feasible barge-canal route to a point on the Aucilla River at or near Quitman, Ga., and thence along the most practical and feasible barge-canal route to a point on the Apalachicola River in Florida; and (e) from St. Marks, Fla., along the most practical and feasible barge-canal route to St. Georges Sound at mouth of the Apalachicola River in Florida.

ST. GEORGES SOUND

St. Georges Island, 20 miles long and very narrow, lies with its center opposite to the mouth of the Apalachicola River, forming with the mainland a bay or sound from 3 to 8 miles wide. At its eastern extremity is a pass known as East Pass, which separates St. Georges Island from Dog Island, which is about 6 miles long. Directly north from the center of Dog Island is the mouth of Crooked River, one of the channels through which the Ochlockonee sends its waters to the Gulf, while the Ochlockonee proper flows southeast, the two streams cutting off a section of the mainland, some 15 or 20 miles long and 3 or 4 miles wide, thus forming what is known as St. James Island. At its southwestern extremity the sound is closed by St. Vincent Island, between which St. Georges Island is the "West Pass." The harbor thus formed is landlocked and safe, capacious and deep, having, it is said, over 30 feet of water close inshore at St. James Island. The coast survey shows 16 fathoms within seven-eighths of a mile from the west end of St. James Island at mean low water.

WITHLACOOCHEE AND ALAPAHA RIVERS

Neither of these rivers, it appears, can become a part and parcel of a canal route except as feeders for any canal that may be constructed across them, provided always the channel of the river is not too far below the level of the canal.


MACON
COLUMBUS
DUBLIN
HAWKINSVILLE
LYONS
SAVANNAH
AMERICUS
VIENNA
HAZLEHURST
BAXLEY
JESUP
ALBANY
IRWINVILLE
OCILLA
DOUGLAS
ALMA
BACONTON
WILLACOOCHEE
BLACKSHEAR
NASHVILLE
PEARSON
WAYCROSS
NAHUNTA
BRUNSWICK
SPARKS
ADEL
HOMERVILLE
WOODBINE
DUPONT
FOLKSTON
VALDOSTA
QUITMAN
ST. MARYS
MADISON
TALLAHASSEE
JACKSONVILLE
ST. MARKS
LAKE CITY
PERRY
MAYO
STARKE
PALATKA
BRONSON
OCALA
CEDAR KEYS
TAVARES
DADE
KISSIMMEE
TAMPA
LAKELAND
DOG I.
ST. GEORGES I.
ST. VINCENT I.
ALABAMA
GEORGIA
FLORIDA
ATLANTIC OCEAN
GULF OF MEXICO
CHATTAHOOCHEE RIVER
FLINT RIVER
APALACHICOLA R.
OCMULGEE RIVER
OCONEE R.
ALTAMAHA RIVER
SAVANNAH R.
S. C.
OCKLOCKONEE RIVER
AUCILLA RIVER
SUWANNEE RIVER
ST. JOHNS R.
ST. MARYS R.
TURTLE R.
OKEFENOKEE SWAMP
CROOKED R.
OCKLOCKONEE BAY
ST. JAMES I.
ST. GEORGES SOUND
A
B
C
D
E
F
G
ROUTES PROPOSED
BY
LANKFORD CANAL BILL
SCALE
37 MILES TO 1 INCH
0 10 20 30 40 50 75 100

I know very little about civil engineering except such knowledge as seems self-evident to my way of thinking. It occurs to me, though, that the best possible canal route is across a level country and across several small streams which will furnish an abundance of water for the canal. There are many such routes all the way from the Florida line to Macon and Columbus, Ga. Those routes nearest the Okefenokee Swamp and on the north of the swamp are best in this respect.

The Withlacoochee River drains about 1,600 square miles and the Alapaha River drains about 840 square miles. The Suwanee River drains 1,200 square miles in addition to the water it carries out of the Okefenokee Swamp. All three of the rivers flow together near Ellaville, Fla., except the Alapaha disappears underground about 10 miles before it reaches the Suwanee. The St. Marys-St. Marks barge canal as surveyed in the Gillmore survey would cross all three of these rivers near Ellaville. This canal, though, would not get the benefit of all the water in these rivers, the canal level being above the thread of the streams, unless the level of the streams was raised by a dam just below the canal. It would seem, therefore, that it would be better to construct a canal, if practical, crossing these streams and their tributaries farther to the north in a more level country, and where their waters could be used for canal purposes.

All these rivers flow in the wrong direction for their streams to be used as part of any of the proposed canals.

INFILTRATION

Another very helpful factor in the way of a water supply for a canal constructed through a level country, such as is along the Atlantic Coast Railway through Ware, Clinch, Lanier, Lowndes, and Brooks Counties, is that the water is near the surface and that a very large amount of water would naturally seep or infiltrate into the canal from the adjacent land.

There are also many depressions, bays, or ponds of sufficient area to hold all necessary water where it could be impounded and from time to time as needed released for use in the canal through such streams as the Suwanoochee Creek, and so forth.

MILL PONDS, FISH PONDS, AND SMALL LAKES

Take, for instance, Clinch County. There are many reservoirs along any line that might be proposed. I know more about that county than any other, for I have walked over the larger portion of it while a boy. Let us figure just a little on a route I did not mention specifically in my bill, and yet I shall ask that the route be given careful study under the general provisions of the bill.

I refer to a route beginning at the Satilla River at or near Millwood in Ware County, and proceeding westward on the south side of Guests Mill pond and Rabie Swamp across Camp Creek, and on to Lakeland in Lanier County and on the south side of the splendid lake just west of Lakeland to either the Ochlockonee River or the Apalachicola River. This route would have several splendid reservoirs of water along its course and there never would be any need of water for canal use. The more this problem is studied the more interesting it becomes.

OKEFENOKEE SWAMP

The Okefenokee swamp, covering 640 square miles, is one of the most interesting areas of the Nation. A careful study and survey of this swamp will be most beneficial from every standpoint.

There is a bill pending in the Senate to provide for a game and fish preserve in the Okefenokee, as well as one in the House providing for a study of the area with a view of creating a national park.

It is entirely possible that a barge canal can be constructed through the swamp in such a way as to drain a portion of the area by creating artificial pools or lakes in connection with present lakes and drains, thus impounding sufficient water for canal use and at the same time making the entire section one of the beauty spots of the Nation.

A barge canal through the swamp could be used to great advantage in a general scheme to further make accessible and more beautiful nature's own magnificence.

DISTANCES

It is interesting to observe the relative lengths of the canals to be constructed across the country in connection with each proposed route. Not considering the streams to be used, the various routes are approximately in length as follows: St. Marys-St. Marks, 170 miles; Satilla-Aucilla, 60 miles; Satilla-Ochlockonee, 45 miles; Ocmulgee-Ochlockonee, 50 miles; Altamaha-Apalachicola, 60 miles; Ocmulgee-Pennahatchee, 28 miles; and Ocmulgee-Chattahoochee, 65 miles.

The map herewith printed indicates fully the relative distances.

The distance to be excavated between St. Marks and St. Georges Sound is about 50 miles.

DIRECTIONS

It is likewise interesting to study the direction followed by some of the rivers in their course to the sea. Several of these rivers flow from the center of the State of Georgia in practically a straight line to either the Gulf or the ocean and thus only have to be joined by a short cross-country canal to perfect a barge-canal route from the Gulf to the Atlantic Ocean. Some others are crooked and even flowing exactly opposite directions on part of their trip to the ocean. The St. Marys River flows out of the Okefenokee to the south as though it was on its way along the Florida Peninsula to Key West; then it turns its course and proceeds for a long distance toward Jacksonville as though it purposed joining the St. Johns River at Jacksonville; then it changes its course and flows directly north, as though it was to join the Satilla River; and then, after getting within 4½ miles of the Satilla, it again changes its course eastward toward the Atlantic Ocean and enters the Cumberland Sound at St. Marys. The Satilla River, after passing Waycross and Blackshear, proceeds almost on a direct route toward Brunswick Harbor as if to join Turtle River and with it enter the Atlantic Ocean; then, after getting most of the way to Brunswick, it changes its course and flows south as if to join the St. Marys River, and after getting within 4½ miles of the St. Marys River it changes its course again to the east and flows into the Atlantic Ocean.

The Suwanee River flows out of the Okefenokee on a line as if to enter the Gulf of Mexico at or near St. Marks, but soon changes from a westerly direction to almost a due south direction, entering the ocean many miles south of St. Marks and near Cedar Keys.

ST. MARYS AND SATILLA RIVERS

Gillmore's report indicated that further study should be made of both the St. Marys River and the Satilla in order to determine which is superior for the purpose of improvement for ship navigation. It was pointed out that 27 miles from the Cumberland Sound they were only 4½ miles apart and could be easily connected by a canal at this point.

CONCLUSION

With me the location and construction of a ship canal across Georgia and Florida has ever been a most interesting topic. Even as a small boy I often heard our neighbors say that water from Rabie Swamp, near my home, flowed both to the Atlantic and to the Gulf, and if the swamp and its tributaries were navigable to the sea, steamboats could sail from the Gulf to the Atlantic without going around Florida. I have also heard that water from the Okefenokee Swamp, in my home county, flowed to both the Gulf and the Atlantic. When I began to study the geography of my State I found there was a divide or ridge running from the Okefenokee all the way to Atlanta, and that water from a house top, located exactly on this ridge, flowed both ways and eventually found its way, part to the Gulf and part to the Atlantic.

So, if this divide should be canalized and the waters flowing from it made navigable to both the Gulf and the Atlantic, the problem of a barge canal between these two bodies of water will have been solved.

Therefore it would seem a most important question arises as to the best location of this canal. The map, which I am having inserted in the RECORD, will prove most interesting, indicating several of the routes suggested. With a view to the proper solution of this problem, I have introduced a bill providing for a complete study and survey of the entire field in all of its phases.

REAPPORTIONMENT

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the reapportionment bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McLEOD. Mr. Speaker, the gravest atrocity ever committed upon the people of the United States apparently is in progress in another part of this Capitol.

I refer to the disinterest, contempt, and grossly tyrannical, determined evasion of the constitutional mandate for reapportionment which, it appears certain, this Congress is forced to permit in its dying days, due to the folly of one branch of this Legislature, at the expense of the country.

Eight years ago the House passed a reapportionment bill which was never permitted to become a law.

To-day the same catastrophe has happened. The House by an overwhelming vote has passed the Fenn reapportionment bill. The bill affects solely the membership of the House and certainly no other branch of Congress.

But the House, it appears, is to be denied the right to fix its own membership or its method of reapportionment. How long

must the Members of this House, and 32,000,000 partially disfranchised inhabitants of this country, suffer this tyranny and discourtesy.

The House has done its full duty. The responsibility for this disfranchisement of American voters now lies in another quarter.

If this Congress passes into history on March 4 with the reapportionment bill still not enacted, it will be another monument to the colossal impositions to which this House and the Nation have been subjected. It will be another black blot upon the lawmaking history of Congress—a blot for which the House of Representatives in no way is responsible. The time has come, at least, when the House should go on record as protesting against these tyrannies.

At this point I would like to read what one of the leading newspapers of the country, the Detroit Free Press, says editorially of the present situation. I quote, the title of which is—

SENT TO THE REAR

The Senate reapportionment bill stands, at this writing, third on the list of measures scheduled for consideration by the steering committee. A bill to survey the Nicaragua canal route, which should not have been introduced this session at all, stands first on the list of preferred legislation. Then comes a bill to establish a produce market in Washington. Such is the relative importance the Senate places on giving the States their constitutional rights—and giving Government employees fresh vegetables.

After eight years of delay, with less than eight days to go, a more contemptuous relegation of reapportionment to a seat so far in the rear that it probably will not be heard from could hardly have been devised. Then the Senate wonders why other people wonder why they send Senators to Washington.

The Washington Post to-day said editorially:

The time remaining before the adjournment grows short. The fact that the House passed the measure was a step toward restoration of constitutional government. The Senate has the opportunity to establish itself as a protector of the Constitution. If it fails, it will be because it is willing to permit men actuated by selfish and sectional motives to dominate its affairs.

As one Member of the House I intend to protest against this arrogance and oppression from the United States Senate. The Senate has assumed the rights of the entire Congress in its blocking of the reapportionment bill. It has forgotten its place and has taken for granted that it is the supreme legislative body of this country, even though the legislation in question affects only the House. Constitutional government can exist only as long as it enjoys the confidence of the people. The Senate by its smothering of this bill is doing everything in its power to ruin that confidence, to undermine the respect of the people for law and order, and to substitute rule by power of the lungs for rule by the will of representatives of the people.

The history of the Senate is that its Members represent the sovereignty of the States, and that Members of the House represent the people. The Senate now wants to assume all representation and power. Let me refer to the disinterest of a Senator representing a State in the West. In the hectic days of the last election when this Senator was campaigning through the country in the interests of the party of which I have the honor to be a member he visited Detroit. In urging the candidacy of President-elect Hoover he posed as the great friend of the Constitution. He said he was unalterably in favor of reapportionment, that his party would see this mandate of justice carried out.

But the honorable Senator has proved himself a greater demagogue than a friend of the Constitution. When the reapportionment bill was before the Senate earlier this week, and it was found impossible to maintain a quorum in order that it might be considered, that gentleman was so disinterested that he did not even bother to attend the meeting. Such is the difference between his campaign constitutionalism and his constitutionalism in the Halls of Congress.

The Senate obstructionists without doubt are doing everything in their power to blacken the honor of the Senate and the Congress as a whole.

PROHIBITION ENFORCEMENT

Mr. LEA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Jones-Stalker bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEA. Mr. Speaker, on account of being unable to be present Friday during the debate and vote upon the Jones bill, I am availing myself of the consent of the House to extend my remarks upon this measure.

I accept the eighteenth amendment as a part of the Constitution of the United States. I accept the duty as a Member of Congress to provide any proper measure of legislation necessary for the enforcement of the eighteenth amendment.

The experience of mankind in the administration of criminal laws has established two fundamental principles. The first and greatest principle is that wise legislation is the beginning of successful law observance and law enforcement. Unwise, inconsiderate, and arbitrary legislation is the beginning of law-enforcement failures.

The second great principle established by human experience is that the penalty provided should fit the crime. Blackstone, perhaps the master student of law history and its adaptation to society, declared in substance that the experience of the ages had demonstrated that unduly severe penalties lead to the disregard of law and the breakdown of law enforcement. He declared that the experience of men has demonstrated that the wise penalty is the penalty that corresponds to the offense. This bill proposes to establish a maximum penalty of $10,000 and imprisonment of five years or both. Under the Federal statutes all offenses punishable by imprisonment for more than one year are felonies.

The bill provides that these penalties shall apply to prosecutions under the national prohibition act, "as amended and supplemented." The act of 1921 specifically supplements the national prohibition act. Section 5 of this measure provides—

That all laws in regard to the manufacture and taxation of and traffic in intoxicating liquor, and all penalties for violations of such laws that were in force when the national prohibition act was enacted, shall be and continue in force, as to both beverage and nonbeverage liquor.

So the bill proposes these maximum penalties not only for the national prohibition act but for practically all, if not all, the laws heretofore enacted by the Federal Government concerning the manufacture and taxation of, and traffic in, intoxicating liquors.

The increased penalties proposed will apply not only to the United States but to Porto Rico, Hawaii, Alaska, and the District of Columbia. The bill provides blanket penalties for a large number of offenses. It makes them all felonies. At the present time, most of these offenses are misdemeanors and triable in police and justice courts. The passage of this bill will automatically deprive these minor courts of jurisdiction, make all of these offenses felonies, regardless of how trivial, and transfer the prosecution thereof to the courts having jurisdiction of felony cases where proceedings must be by information after preliminary examination or by indictment by a grand jury. Thousands of cases now promptly disposed of in minor courts will automatically be transferred to the courts of record. Last year over twenty-one hundred cases were filed in police courts of the District, according to newspaper accounts. Lawyers of the District contend that passage of this bill will automatically remove this large class of cases from the police to the higher courts.

California, by a vote of our people, adopted what is known as the little Volstead Act. We made the Volstead Act the law of the State and specifically provided that violations thereof are subject to the penalties provided in the Volstead Act. California law further provides "that whenever Congress shall amend the Volstead law," or "any other law to enforce the eighteenth amendment," then such law shall become part of the law of the State. The justice courts of California have no jurisdiction over felony cases. The enactment of this bill will deprive the justice courts of California of jurisdiction to enforce many violations of the prohibition law. One of the main objects in adopting the little Volstead Act was to give jurisdiction to the minor courts to enforce minor violations of the prohibition law. Our people never voted for a little Volstead Act anticipating that Congress would later deprive our inferior courts of jurisdiction and clutter up our superior court records with petty liquor cases.

I am not against this bill because it affects prohibition. I am against it because it is unwise and proposed in defiance of all practical experience in the orderly administration of criminal laws. It is vicious in indiscriminately proposing penalties for petty offenses so out of proportion to the offense involved as to be shocking.

The policy of making offenses that in moral turpitude are nothing more than petty misdemeanors felonies punishable by five years in the penitentiary, and giving judges arbitrary power to impose such penalties, is a policy unwarranted by the experience of mankind in any age. It is a policy unworthy of a Christian people.

There are serious objections to making petty offenses felonies. One objection worthy of consideration is the difference in the

law of arrest as applied to misdemeanors and felonies. The arresting officer has a right, if necessary, to slay a man reasonably suspected of having committed a felony, if such slaying be necessary to prevent the escape of the criminal. The enactment of this bill will be carte blanche authority for every prohibition agent to slay all those innocent persons or offenders who do not stop upon his arbitrary command.

A few weeks ago a 19-year-old boy down in the Shenandoah Valley, driving an automobile, refused to obey the command of a prohibition agent to stop. The prohibition agent, without warrant of arrest and without any definite knowledge that the boy was violating the prohibition law, brutally fired a bullet through the head of the boy. In a short time the boy was returned to his home a corpse. It developed that the boy in this case had 3 gallons of illicit liquor in his automobile. If this bill is enacted, the slaying of travelers on the highway, under such circumstances, will be legalized. Even innocent travelers as well as most trivial offenders of the prohibition law will be subject to wanton attack.

I have hastily gone over some of the penalties provided in the liquor statutes where the penalties proposed by this bill seem to apply. I find that in 30 of the cases where fines are provided, the maximum fine under the existing law would be $26,300, while the maximum penalty proposed in this bill would be $300,000. I find that the imprisonment provided in the case of 33 penalties, under the existing law, total about 34 years. The penalties provided under this bill would total 165 years. In 5 cases where there is no imprisonment provided for at present the maximum punishment under this bill would become 5 years. I find that in 16 cases, of 33 imprisonment penalties, the present maximum imprisonment is under 1 year. The summary is as follows:

The Jones law—Maximum penalties

Number	Fines		Imprisonment	
	Present law	Proposed law	Present law	Proposed law
1	$1,000	$10,000	1 year	5 years.
2	1,000	10,000	6 months	Do.
3	2,000	10,000	5 years	Do.
4	1,000	10,000	1 year	Do.
5	1,000	10,000	do	Do.
6	1,000	10,000	6 months	Do.
7	2,000	10,000	5 years	Do.
8	500	10,000	None	Do.
9	1,000	10,000	90 days	Do.
10	1,000	10,000	2 years	Do.
11	2,000	10,000	6 months	Do.
12	1,000	10,000	5 years	Do.
13	1,000	10,000	None	Do.
14	1,000	10,000	1 year	Do.
15	1,000	10,000	None	Do.
16	100	10,000	1 year	Do.
17	300	10,000	6 months	Do.
18	1,000	10,000	1 year	Do.
19	500	10,000	do	Do.
20	1,000	10,000	6 months	Do.
21	500	10,000	1 year	Do.
22	1,000	10,000	90 days	Do.
23	500	10,000	1 year	Do.
24	100	10,000	6 months	Do.
25	1,000	10,000	1 year	Do.
26	500	10,000	None	Do.
27	300	10,000	30 days	Do.
28	500	10,000	1 year	Do.
29	500	10,000	6 months	Do.
30	1,000	10,000	3 months	Do.
31			None	Do.
32			1 year	Do.
33			do	Do.

In one or more cases this bill, if it becomes a law, will penalize the disobedience of a court injunction by a fine of $10,000, or five years in the penitentiary, or both. Public sentiment in America resents the arbitrary exercise of the injunctive power. The arbitrary and cruel exercise of the injunction has been notoriously abused by the Federal judiciary. The laboring people of the United States and many other people having a concern for the just rights of men propose that the arbitrary use of the injunction by these Federal judges shall be restrained. This proposal to make violations of a court injunction felonies is an interloper in American jurisprudence and contrary to the spirit of our institutions.

The judges who are worthy to exercise the indiscriminate discretion given in this proposed bill have not yet been born. I have great respect for the judiciary in our higher courts. I know, however, that unfortunately we have many men upon our Federal benches who are unfit to exercise the great powers intrusted to them. I have no such confidence in their wisdom or their justice as makes me willing to confer upon them an arbitrary power so sweeping in its terms as to be inappropriate in any just system of government. The restraints we have thrown upon the judiciary are not accidental but an outgrowth of long and bitter experience. We can not afford to forget their love of power and their proneness to abuse it.

I do not doubt there are cases in the enforcement of prohibition where penalties more severe might be provided. The breakdown in law enforcement, however, is due to this cause only in a minor degree. The fundamental difficulty is the entire escape of guilty offenders.

There is no considerable disposition in this House to avoid providing any proper penalty that may be necessary to aid the proper enforcement of the prohibition law. This House is overwhelmingly in favor of the support of legislation to carry out the purposes of the eighteenth amendment. Members of this body have followed the leadership of the dry organizations until their subserviency has in some instances approached legislative slavery. A faithful horse should not be ridden with whip and spur. Those outside of legislative halls proposing this remedy, and demanding its support, show a lack of proper regard for those who are unquestionably loyal to their cause. I would like to support any legitimate measure to give prohibition a just chance to accomplish for the country all that its most ardent proponents have ever claimed. I can not afford to vote for a measure which would violate my sense of justice and my sense of duty to my country. I could not respect myself to vote for a measure I deem so unjustifiable and in such disregard of the proper use of the criminal law.

This is a great, powerful Government. It has much power to enforce a law, simply because it is a law. It has much greater power to enforce a law that has the respect and hearty approval of the people of America. If prohibition is a final success, it must win its way by the approval of the American people. It can not drive its way. The practical problem of enforcement, so far as prohibition is concerned, is to enforce it by laws and by methods that enjoy the respect and confidence of the average law-abiding, sane citizen of America. I believe this proposed bill is unwise legislaton; it prescribes penalties shockingly disproportionate to the offenses involved; it provides a law that will further tend to bring prohibition into contempt and disrepute and make the failure of law enforcement more complete.

OSCAR S. STRAUS

Mr. CELLER. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 377, for a memorial to Oscar S. Straus.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint Resolution (H. J. Res. 377) authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and he hereby is, authorized and directed to select a suitable site and to grant permission to any association or associations organized within two years from the date of the approval of this resolution for that purpose, to erect as a gift to the people of the United States, on public grounds of the United States in the city of Washington, D. C., a monument or memorial in memory of Oscar S. Straus: *Provided*, That the site chosen and the design of the monument or memorial shall be approved by the Commission of Fine Arts, that it shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital, and that the United States shall be put to no expense in or by the erection of said monument or memorial.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1993. An act to correct the naval record of William E. Adams;

H. R. 2474. An act for the relief of the San Francisco, Napa & Calistoga Railway;

H. R. 2486. An act for the relief of Andrew Jackson Seward, jr., deceased;

H. R. 4770. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 5286. An act for the relief of J. H. Sanborn;

H. R. 5287. An act for the relief of Etta C. Sanborn;

H. R. 5288. An act for the relief of William F. Kallweit;

H. R. 5289. An act for the relief of Loretta Kallweit;

H. R. 5758. An act amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia;

H. R. 5952. An act for the relief of Robert Michael White;

H. R. 9009. An act for the relief of Francis Leo Shea;

H. R. 10238. An act for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy;

H. R. 10657. An act to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands, and for other purposes;

H. R. 10957. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;

H. R. 11406. An act to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange;

H. R. 12339. An act authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock;

H. R. 12390. An act for the relief of Frank C. Messenger;

H. R. 12666. An act for the relief of William S. Shacklette;

H. R. 12409. An act to grant to the city of Fort Wayne, Ind., an easement over certain Government property;

H. R. 12638. An act for the relief of David A. Wright;

H. R. 13060. An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever;

H. R. 13632. An act for the relief of Ruth B. Lincoln;

H. R. 13658. An act for the relief of Hugh Anthony McGuigan;

H. R. 13721. An act for the relief of Edwin I. Chatcuff;

H. R. 13812. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy;

H. R. 13957. An act to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa;

H. R. 14148. An act to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.";

H. R. 14457. An act validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way, in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L. 356);

H. R. 14472. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Vicksburg, Miss.;

H. R. 14659. An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York;

H. R. 15201. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio;

H. R. 15330. An act authorizing the acceptance by the United States Government from the Women's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery in Georgia;

H. R. 15382. An act to legalize a trestle, log dump, and boom in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.;

H. R. 15468. An act to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.;

H. R. 15577. An act to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America.

H. R. 16565. An act authorizing the Hawesville and Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 15651. An act for the relief of Leonidas L. Cochran;

H. R. 15700. An act for the relief of the heirs of William W. Head, deceased;

H. R. 15714. An act to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;

H. R. 15724. An act to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes;

H. R. 15727. An act to relinquish all right, title, and interest of the United States in certain lands in the State of Washington;

H. R. 16026. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;

H. R. 16612. An act granting the consent of Congress for the construction of dam or dams in Neches River, Tex.;

H. R. 16661. An act to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928;

H. R. 16881. An act to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, Act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928;

H. R. 16959. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn.; and

H. R. 17053. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 61. An act granting an increase of pension to Louise A. Wood;

S. 710. An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States;

S. 1168. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925;

S. 1547. An act for the relief of Johns-Manville Corporation;

S. 1648. An act for the relief of Oliver C. Macey and Marguerite Macey;

S. 1766. An act for the relief of R. H. King;

S. 1965. An act to authorize the appointment of a district judge for the northern district of Mississippi;

S. 2206. An act to amend section 260 of the Judicial Code, as amended;

S. 2291. An act for the relief of certain seamen and any and all persons entitled to receive a part or all of money now held by the Government of the United States on a purchase contract of steamship *Orion* who are judgment creditors of the Black Star Line (Inc.) for wages earned;

S. 2695. An act for the relief of Gilliam Grissom;

S. 3002. An act for the relief of Mina Bintliff;

S. 3162. An act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.;

S. 3233. An act for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased;

S. 4125. An act to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes;

S. 4234. An act authorizing the purchase of certain lands by John P. Whiddon;

S. 4276. An act granting a pension to Edith Bolling Wilson;

S. 4451. An act to amend the act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.," approved May 1, 1928;

S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work;

S. 4604. An act for the relief of James L. McCulloch;

S. 4704. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes;

S. 4811. An act for the relief of C. J. Colville;

S. 4817. An act for the relief of the Federal Construction Co. (Inc.);

S. 4819. An act for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.);

S. 4890. An act authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians;

S. 4981. An act to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers;

S. 5058. An act for the relief of George A. Hormel & Co.;
S. 5090. An act for the relief of Lewis H. Easterly;
S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928.
S. 5181. An act to amend section 4 of the act of June 15, 1917 (40 Stat. p. 224; sec. 241, title 22, U. S. C.); and
S. 5879. An act authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department;
H. R. 8295. An act for the appointment of an additional circuit judge for the ninth judicial circuit;
H. R. 11360. An act to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project;
H. R. 13831. An act granting the consent of Congress to the Momence conservancy district, its successors and assigns, to construct, maintain, repair, and improve a dam across the Kankakee River at Momence, in Kankakee County, Ill.;
H. R. 15712. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes;
H. R. 16274. An act to provide for the establishment of a municipal center in the District of Columbia;
H. R. 16656. An act providing for retired pay for certain members of the former Life Saving Service, equivalent to retired pay granted to members of the Coast Guard; and
H. R. 16658. An act to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States, and to create a tenth judicial circuit.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Thursday, February 28, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, February 28, 1929, as reported to the floor leader clerks of the several committees:

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

For the relief of Lorenzo A. Bailey (H. R. 10242).
To provide for the final settlement of the claims of J. F. McMurray, and J. F. McMurray as assignee of Mansfield, McMurray & Cornish, against the Choctaw and Chicasaw Nations or Tribes of Indians for legal services rendered and expenses incurred (H. R. 10741).

EXECUTIVE COMMUNICATIONS, ETC.

870. Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury and Postmaster General, transmitting report of the interdepartmental committee appointed by us, which report is approved and transmitted as our report and which contains a supplemental list of public-building projects which could not be brought within the $248,000,000 authorization (H. Doc. No. 613), was taken from the Speaker's table and referred to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 17213. A bill granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois; with amendment (Rept. No. 2755). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17214. A bill authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.; with amendment (Rept. No. 2756). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 17218. A bill authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.; without amendment (Rept. No. 2757). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 17237. A bill to extend the times for commencing and completing the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street, Chicago, Cook County, Ill.; with amendment (Rept. No. 2758). Referred to the House Calendar.

Mr. GLYNN: Committee on Military Affairs. S. 3736. An act for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age; without amendment (Rept. No. 2762). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. R. 17078. A bill to authorize the establishment of an employment agency for the Indian Service; without amendment (Rept. No. 2764). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARENTZ: Committee on Indian Affairs. H. R. 17054. A bill for the relief of Indians, and for other purposes; with amendment (Rept. No. 2771). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 17278. A bill to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910; without amendment (Rept. No. 2772). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Federal Radio Commission. (Rept. No. 2752). Laid on the table.

Mr. BOYLAN: Committee on Military Affairs. H. R. 14456. A bill to provide for the presentation of distinguished-service medals to certain persons; without amendment (Rept. No. 2759.) Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 17225. A bill to confer the medal of honor for service in the Philippine insurrection on William O. Trafton; without amendment (Rept. No. 2760). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 16055. A bill to correct the military record of Orville D. Dailey; without amendment. (Rept. No. 2761). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. S. 459. An act for the relief of the city of New York; with an amendment (Rept. No. 2765). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 15532. A bill for the relief of Arthur D. Story, assignee of Jacob Story, and Harris H. Gilman, received for the Murray & Thregurtha Plant of the National Motors Corporation; without amendment (Rept. No. 2766). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 15766. A bill for the relief of St. Ludgers Catholic Church of Germantown, Henry County, Mo.; with an amendment (Rept. No. 2767). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 16408. A bill for the relief of John H. LaFitte; with an amendment (Rept. No. 2768). Referred to the Committee of the Whole House.

Mr. SINCLAIR: Committee on War Claims. H. R. 16682. A bill for the relief of heirs of Warren C. Vesta; with an amendment (Rept. No. 2769). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 17068. A bill to carry out the findings of the Court of Claims in the case of Joseph G. Grissom; without amendment (Rept. No. 2770). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WILLIAMS of Illinois: A bill (H. R. 17292) authorizing Charles Durfee, his successors and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near Maunie, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. BEEDY: A bill (H. R. 17293) to authorize an appropriation for construction at Fort McKinley, Portland, Me.; to the Committee on Military Affairs.

By Mr. JAMES: A bill (H. R. 17294) to authorize the acquisition of certain tidelands for sewer purposes at Fort Lewis, Wash.; to the Committee on Military Affairs.

By Mr. MORIN: A bill (H. R. 17295) to amend section 90 of the national defense act, as amended, relative to the employment of caretakers for National Guard organizations; to the Committee on Military Affairs.

Also, a bill (H. R. 17296) providing compensation to the Crow Indians for Custer Battle Field National Cemetery, and for other purposes; to the Committee on Indian Affairs.

By Mr. MERRITT: A bill (H. R. 17297) to amend section 2 of the Federal caustic poison act, approved March 4, 1927; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Arizona, memorializing Congress to cause investigation to be made of the methods and regulations of curb exchanges throughout the United States, relative to the listing and dealing in stocks and securities of American-owned mine development companies; to the Committee on the Judiciary.

By Mr. ARENTZ: Memorializing Congress to make appropriations for the construction of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations; to the Committee on the Public Lands.

By Mr. KORELL: Memorial of the Oregon State Legislature, urging the Congress of the United States for the proper adoption of a tariff on bulbs; to the Committee on Ways and Means.

By Mr. KVALE: Memorial of the Minnesota State Legislature, opposing tariff on Canadian lumber and shingles; to the Committee on Ways and Means.

By Mr. JOHNSON of Indiana: Memorial from the State of Indiana, memorializing Congress concerning a system of inland waterways, including the Wabash River, and urging Congress to enact appropriate legislation to secure the establishment of such a system; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 17298) granting an increase of pension to Catherine T. Gardener; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 17299) granting a pension to Florence Huddleston; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 17300) granting a pension to Georgiana Miller Grinsted; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 17301) granting a pension to Drusilla Stone; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 17302) granting an increase of pension to Justinia Swartz; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 17303) granting a pension to Leonah Viola Loer; to the Committee on Invalid Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 17304) for the relief of Thomas Seltzer; to the Committee on Claims.

By Mr. WHITE of Maine: A bill (H. R. 17305) granting an increase of pension to Evelyn L. Varnham; to the Committee on Invalid Pensions.

By Mr. YATES: A bill (H. R. 17306) granting a pension to Frank D. Hayes; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

13533. By Mr. ARENTZ: Petition of the Assembly of the State of Nevada, urging Senators and Representative of the State of Nevada to use all honorable means to promote Senate bill 4601 and House bill 14665, making appropriations for the construction of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations; to the Committee on the Public Lands.

13534. By Mr. CRAMTON: Petition signed by 12 residents of Vassar, Mich., and 18 residents of Gagetown, Mich., and vicinity, protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

13535. By Mr. CULLEN: Petition of the Merchants' Association of New York, expressing its unqualified opposition to any restriction or limitation to the free movement of products between continental United States and its Philippine possessions in either direction; to the Committee on Interstate and Foreign Commerce.

13536. By Mr. KURTZ: Petition of the committee acting for the Sunday School of Gibson Memorial Presbyterian Church, with a membership of 65, located at Martinsburg, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the committee on the District of Columbia.

13537. By Mr. JOHNSON of Texas: Petition of Texas State Associations of Dyers and Cleaners, protesting against a tariff on soap-making fats and oils; to the Committee on Ways and Means.

13538. By Mr. KORELL: Memorial of the Oregon State Legislature, urging the adoption of a proper tariff on bulbs; to the Committee on Ways and Means.

13539. By Mr. LANKFORD: Petition of 132 members of the Evangelical Methodist and Presbyterian Churches of Farmington, Minn., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13540. Also, petition of 155 members of the Bethany Congregational Church and Sunday School, Thomasville, Ga., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13541. Also, petition of 58 members of the Fourteenth Avenue Methodist Church, of Detroit, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13542. By Mr. LUCE: Petition of Catholic Daughters of America, relating to the national-origins clause of the immigration act; to the Committee on Immigration and Naturalization.

13543. Also, petition of Waltham Post 156, American Legion, relating to the national-origins clause of the immigration act; to the Committee on Immigration and Naturalization.

13544. By Mr. McCORMACK: Petition of Margaret L. Kavanaugh, Mrs. J. F. Kavanaugh, Sue Brady, Frances Kavanaugh, Annette M. Kavanaugh, Mary L. Farren, Margaret M. Foley, Margaret F. Kennedy, Margaret M. O'Neil, Rose E. Carroll, Mary Carroll, Ann Carroll, Mary Robbins, Lillian O'Meara, Mrs. John Barry, Mrs. John Lombard, Elizabeth C. Lynch, Agnes I. Sheridan, Agnes A. Duclos, Rita Cullinane, Mary G. Foss, Elsie F. Maylor, Mary A. McGovern, Ann H. Cullinane, Anna Mae Reilly, Mrs. J. Masterson, Mrs. P. Maguire, Mrs. Lucy Kork, Marguerite Murphy, and Mrs. W. Murphy, protesting against enactment of the Newton maternity bill; to the Committee on Interstate and Foreign Commerce.

13545. By Mr. O'CONNELL: Petition of the Upholstery Weavers and Workers Union, Local Union No. 25, of Philadelphia, Pa., favoring an adequate increase in duty of imported drapery and upholstery fabrics; to the Committee on Ways and Means.

13546. Also, petition of the Mohawk Valley Towns Association, New York, favoring the construction of the all-American ship canal; to the Committee on Rivers and Harbors.

13547. Also, petition of Whiting Leather & Belting Co., Long Island City, N. Y., with reference to the tariff on bricks; to the Committee on Ways and Means.

13548. By Mr. QUAYLE: Petition of American Civic Association, of Washington, D. C., opposing the passage of the Wingo bill, to create the Ouachita National Park in Arkansas; to the Committee on the Public Lands.

13549. Also, petition of the American Forestry Association, of Washington, D. C., opposing the passage of House bill 5729, a bill to create a national park from a portion of the Ouachita National Forest in Arkansas; to the Committee on the Public Lands.

13550. By Mr. VINCENT of Michigan: Petition of citizens of Saginaw County, Mich., in opposition to proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

13551. By Mr. WYANT: Petition of the Henry Phipps Institute for the Study, Treatment, and Prevention of Tuberculosis, favoring passage of Senate bill 5473, allowing a pension of $150 a month to Mrs. Joseph Goldberger; to the Committee on Pensions.

SENATE

THURSDAY, *February 28, 1929*

(Legislative day of Monday, February 25, 1929)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 15524. An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac, from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital;

H. R. 17212. An act to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and to alter and amend a joint resolution entitled "Joint resolution authorizing the Northern Pacific Railroad Co. to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes," approved May 31, 1870; to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Railroad Co., or the Northern Pacific Railway Co.; to direct the institution and prosecution of proceedings looking to the adjustment of the grant, and for other purposes; and

H. J. Res. 377. Joint resolution authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The VICE PRESIDENT. In accordance with an act of Congress approved June 6, 1924, the Chair appoints Hon. ARTHUR CAPPER, a Senator from the State of Kansas, to serve as a member of the National Capital Park and Planning Commission until the chairmen of the committees of the Senate of the Seventy-first Congress shall be chosen.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Smoot
Barkley	Frazier	McMaster	Steiwer
Bayard	George	McNary	Stephens
Bingham	Gerry	Mayfield	Swanson
Black	Glass	Metcalf	Thomas, Idaho
Blaine	Glenn	Moses	Thomas, Okla.
Blease	Goff	Neely	Trammell
Borah	Gould	Norbeck	Tydings
Bratton	Greene	Norris	Tyson
Brookhart	Hale	Nye	Vandenberg
Broussard	Harris	Oddie	Wagner
Burton	Harrison	Pine	Walsh, Mass.
Capper	Hastings	Ransdell	Walsh, Mont.
Copeland	Hawes	Reed, Pa.	Warren
Couzens	Hayden	Robinson, Ark.	Waterman
Curtis	Heflin	Robinson, Ind.	Watson
Deneen	Jones	Sackett	Wheeler
Dill	Kendrick	Schall	
Edge	Keyes	Sheppard	
Fess	King	Shortridge	

Mr. WATERMAN. I desire to announce that my colleague the senior Senator from Colorado [Mr. PHIPPS] is detained at home by illness. I will let this announcement stand for the day.

Mr. BRATTON. My colleague the junior Senator from New Mexico [Mr. LARRAZOLO] is detained from the Senate by illness. This announcement may stand for the day.

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Seventy-seven Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. WARREN presented the following joint memorial of the Legislature of the State of Wyoming, which was referred to the Committee on Finance:

Enrolled Joint Memorial 2

TWENTIETH LEGISLATURE, STATE OF WYOMING,
IN THE SENATE.

An act memorializing the Congress of the United States in favor of increased tariff protection for the turkey and sugar industries of Wyoming and other States interested in such industries

Be it resolved by the Senate of the Twentieth Wyoming State Legislature (the House of Representatives concurring), That the Congress of the United States be memorialized as follows:

Whereas the industry of producing and raising turkeys has now progressed to a point in this State where it is one of the principal State industries; and

Whereas enormous quantities of dressed turkeys are shipped into this country from foreign countries, notably Russia, in the summer months of each year, and are placed in cold storage and are thereafter placed on the market in competition with freshly killed Wyoming dressed turkeys in the fall and holiday seasons of each year; and

Whereas the present tariff rate of 6 cents per pound upon such dressed turkeys is inadequate and furnishes no sufficient protection to the industry in Wyoming and other States similarly situated; and

Whereas another of the principal industries of this State, to wit, the sugar industry, is now, and has been for many months suffering from a lack of tariff protection against foreign sugar; and

Whereas sugar is now permitted to be brought into this country free of duty from the insular possessions of the United States, the Philippines, Porto Rico, and others; and

Whereas it is generally recognized that sugar from foreign countries is in active competition with Wyoming-made sugar; and

Whereas many of the most successful farmers in Wyoming are now raising sugar beets as their principal crop, and are receiving an inadequate price therefor because of the lack of a sufficient tariff barrier against foreign sugar from many foreign sugar-producing countries; and

Whereas the manufacturers of sugar in this State have invested many thousands of dollars in their plants and equipment for the refining of Wyoming-grown sugar beets: Now therefore be it

Resolved, That the Congress of the United States be, and it is hereby, respectfully and urgently requested—

First. To increase the tariff upon foreign-grown turkeys as and when imported into this country from 6 cents per pound to 12 cents per pound.

Second. To increase the tariff upon all foreign sugar to such extent as to give adequate protection to the home industry and to prevent the further free entry of sugar from the Philippines and Porto Rico to such extent as will guarantee reasonable protection to the United States industry; and be it further

Resolved, That certified copies of this memorial be sent to Senator FRANCIS E. WARREN, Senator JOHN B. KENDRICK, and Hon. CHARLES E. WINTER, Representative in Congress for the State of Wyoming.

FRANK O. HORTON,
President of the Senate.
MARVIN L. BISHOP, Jr.,
Speaker of the House.

Approved at 4.42 p. m., February 21, 1929.

FRANK C. EMERSON, *Governor.*

Mr. ASHURST presented the following memorial of the State Senate of Arizona, which was referred to the Committee on Mines and Mining:

NINTH LEGISLATURE, REGULAR SESSION,
STATE SENATE.

Senate Memorial 4 (introduced by Committee on Mines and Mining)

To the Senate and House of Representatives of the Congress of the United States:

Your memorialist, the Senate of the Ninth Legislature of the State of Arizona, in regular session assembled, respectfully represents that—

Whereas mining is a major industry of the State of Arizona, and the development of mineral resources is essential to its prosperity and advancement; and

Whereas such development is in a large measure dependent upon the legitimate regulated sale of mining stocks and securities through the medium of stock exchanges and curb exchanges throughout the country; and

Whereas it has come to the notice of your memorialist that certain curb exchanges, acting through their authorized committees, have adopted policies relative to the listing of and dealing in stocks and securities